

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 15 August 2023, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor A Boad (Chairman)  
Councillor N Tangri (Vice Chairman)

Councillor L Cron  
Councillor R Dickson  
Councillor K Dray  
Councillor B Gifford  
Councillor M Luckhurst  
Councillor R Margrave

Councillor R Noonan  
Councillor P Phillips  
Councillor J Sinnott  
Councillor J P Sullivan  
Councillor L Williams

### **Emergency Procedure**

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

### **Agenda** **Part A – General**

#### **1. Apologies & Substitutes**

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

#### **2. Declarations of Interest**

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

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

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

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

3. **Site Visits**

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

**Part B – Planning Applications**

To consider the following reports from the Head of Place, Arts and Economy:

4. **W/23/0150 - Land North of A46, Sherbourne Hill, Sherbourne**  
**(Pages 1 to 46)**  
**\*Major Application\***
5. **W/23/0195 - Land at Gibbet Hill Road and Westwood Heath Road, Coventry**  
**(Pages 1 to 30)**  
**\*Major Application\***
6. **W/23/0740 - 4b Fieldgate Lane, Kenilworth**  
**\*\*WITHDRAWN FOLLOWING PUBLICATION OF THE AGENDA\*\***
7. **W/23/0900 - Tennis Pavilion, Victoria Park, Archery Road, Royal Leamington Spa**  
**(Pages 1 to 6)**

**Please note:**

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with the Council's Public Speaking Procedure, members of the public can address the Planning Committee meeting by attending the meeting in person on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please register online at [Speaking at Planning Committee](#) any time after the publication of this agenda, but **before 10.00am** on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally, items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's website, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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For enquiries about specific reports, please contact the officers named in the reports. You can e-mail the members of the Committee at [planningcommittee@warwickdc.gov.uk](mailto:planningcommittee@warwickdc.gov.uk)

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**Planning Committee:** 15 August 2023

**Item Number:** 4

**Application No:** [W 23 / 0150](#)

**Town/Parish Council:** Sherbourne  
**Case Officer:** Lucy Hammond

**Registration Date:** 03/02/23  
**Expiry Date:** 05/05/23

01926 456534 lucy.hammond@warwickdc.gov.uk

### **Land North of A46, Sherbourne Hill, Sherbourne**

Installation of a solar farm consisting of bi-facial ground mounted solar photovoltaic (PV) panels, new access tracks, battery storage, underground cabling, perimeter fencing with CCTV cameras and access gates, 2no. temporary construction compounds, substation and all ancillary grid infrastructure and associated works. FOR NS Solar 03

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This application is being presented to Planning Committee due to the number of objections and an objection from the Parish Council having been received.

### **RECOMMENDATION**

Planning Committee is recommended to GRANT planning permission, subject to the conditions listed at the end of this report.

### **DETAILS OF THE DEVELOPMENT**

This is a full planning application which seeks permission for the installation of a 25MW solar farm and associated development for a period of 40 years, which includes the following:

- Photovoltaic (PV) modules – these would be fixed to a steel and aluminium structure, to a maximum height of 3 metres which is pile driven into the ground;
- Transformer stations – four in total, each measuring 6.06m (l) x 2.44m (w) x 3.19m (h)
- DNO sub-station – measuring 6.06m (l) x 2.43m (w) x 3.48m (h);
- Client sub-station – measuring 6.06m (l) x 2.44m (w) x 3.19m (h);
- Client storage container – measuring 6.06m (l) x 2.44m (w) x 3.19m (h),
- Battery station – comprising inverters and control gear, battery transformer and linked battery units. These would be contained together in one location near the access point to the northeast in Parcel 1;
- 117no. string inverters – these would be connected to the panel rack to avoid ground disturbance;
- 2 x temporary construction compounds – both compounds (one in Parcel 1 to the east and the other in Parcel 2 to the west) would measure 7,500 sq.m. totalling 15,000 sq.m. across the two;
- Perimeter fencing - comprising deer fencing no more than 2.2m in height with mammal gates (0.32m x 0.22m) on each section;
- CCTV monitoring equipment – comprising 41no. CCTV cameras on 4m high poles (4.21m including the height of the camera on top);

- Use of existing site access – this relates to the access to the northeast of the site, located off the B4463.
- Internal access tracks – these would have an approximate length of 2,875m with an average width of 3.5m and with the exception of a small turning area at the DNO substation (45m) would be un-surfaced accessways for off-road vehicles resulting in no ground disturbance.
- Installation of underground cabling - cable trenches within the site would be c.1m deep and up to 1m wide; and
- Ecological and landscape improvements – these include hedgerow planting, tree planting and improved grassland management.

During the course of the application revised details have been submitted regarding the proposed access arrangements. Initially, two points of access were proposed, one of which proposed to utilise an existing agricultural access to the south, located off the A46, but this has now been omitted from the proposals leaving the only point of access as that shown to the north-east, off the B4463.

## **THE SITE AND ITS LOCATION**

The application site comprises 33.6ha of agricultural land within the West Midlands Green Belt and is arranged in two parcels with a connecting cable corridor; Parcel 1 to the north-east and Parcel 2 to the south-west. The A46 dual carriageway sits immediately to the south, while the B4463 sits to the east/north-east of the site.

The site is approximately 1km north of the village of Sherbourne and approximately 850m west of the nearest edge of Warwick, while the core of Warwick itself is approximately 3km east of the site.

The surrounding area is broadly characterised by a mix of open countryside to the north and south with some sporadic residential development, while to the east is Junction 15 of the M40 and a mix of employment and other commercial/ retail uses.

The site is currently used for arable farming as is much of the surrounding area. Sherbourne Farm lies approximately 300m to the north of the site and there are no residential properties adjacent the application site boundary. The nearest residential properties are those in the village of Sherbourne which, at the closest point to the proposed development, are approximately 300m south and physically separated by the A46.

A number of Public Rights of Way cross through and around the perimeter of the site. There are no designated or non-designated heritage assets within the site. Sherbourne Conservation Area lies to the south and is separated by the presence of the A46; so too are the Grade II listed buildings in Sherbourne, which lie to the south, in excess of 300m away.

The site is mostly within Flood Zone 1. However, where the two parcels are connected by the proposed cable corridor, this falls partially within Flood Zones 2 and 3 due to the location of Sherbourne Brook which crosses the site east to west.

## **PLANNING HISTORY**

**W/22/0997** - Installation of a solar farm consisting of PV panels mounted on metal frames, new access tracks, underground cabling, perimeter fencing with CCTV cameras and access gates, two temporary construction compounds and all ancillary grid infrastructure and associated works - Application withdrawn due to insufficient information provided to address technical objections to the development.

*Related but not directly relevant to the application site:*

**W/22/0548** - Proposed installation of a solar farm and associated development – Refused under delegated powers (Aug 2022) and currently subject to an appeal which has not yet been determined by the Planning Inspectorate.

[The above relates to land adjacent (east/north-east) to the application site, and wraps around Parcel 1 of the application site]

## **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- EC2 - Farm Diversification
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Warwickshire Landscape Guidelines (Supplementary Planning Document)

## **SUMMARY OF REPRESENTATIONS**

**Barford, Sherbourne & Wasperton Joint Parish Council:** Objection raising the following points:

- Accepting of the current Climate Emergency and the need to decarbonise energy production, however it is considered that the previously withdrawn

application had too many unanswered questions to be able to support it and this re-submission is not considered to have addressed those issues.

- The area adjacent to this site was previously refused on a number of grounds including Green Belt.
- In light of the refusal on the other site together with unresolved issues the Parish Council cannot remain neutral as they did on the earlier submission.

**Budbrooke Parish Council (adjoining PC):** Objection raising the following concerns:

- Connectivity to the substation.
- The potential for haulage routes to be detrimental to highway safety.

**WCC Landscape:** No objection, subject to conditions

**WCC Public Rights of Way:** No objection. Recommend advisory notes to be attached to any forthcoming permission.

**Forestry Commission:** No comments to make; there is no ancient woodland affected by the proposals.

**WDC Tree Officer:** No objection in principle, subject to conditions

**WCC Ecology:** No objection, subject to conditions and advisory notes

**Historic England:** No advice offered; application should be deferred to specialist conservation and archaeological advisors.

**WDC Conservation:** No objection

**WCC Highways:** No objection, subject to conditions and notes

**National Highways:** No objection, subject to condition

**Warwickshire Fire & Rescue:** No objection, subject to condition

**Health & Community Protection – Environmental Sustainability:** No objection, subject to conditions

**WCC Local Lead Flood Authority:** No objection, subject to conditions and notes

**Public Response:**

10 objections received raising the following material planning considerations:

- Development is proposed on Green Belt land.
- No very special circumstances have been demonstrated.
- This would result in the loss of farmland.
- There is no benefit for nature, conservation, ecology, or the community.
- Harm to landscape.
- Harm to the experience of public rights of way and views across the landscape.
- Loss of agricultural land.
- Sensitive landscape areas would be impacted.

- Sherbourne should retain its spatial independence.
- Potential impact on protected species.
- Loss of ecology and biodiversity.
- Concern over the proximity of battery storage to Warwick and Leamington and possible dangers this poses.
- Negative impacts on highway safety.
- Negative impacts on air quality.

1 neutral comment received raising the following points:

- Farmland being converted to commercial land does not support local communities.
- If the proposal would reduce Sherbourne's electricity bills this would promote more support.
- Otherwise, this is simply loss of farmland and a greater reliance on imports which is at odds with reducing CO<sup>2</sup>.

## **ASSESSMENT**

The main issues relevant to the consideration of this application are as follows: -

- Principle of development
- Green Belt
- Landscape and visual impact
- Impact on heritage assets
- Impact on archaeology
- Effect on agricultural land
- Impact on neighbouring/residential amenity
- Access, parking, and highway safety
- Impact on ecology and biodiversity net gain
- Drainage and flood risk
- Air quality
- Any other relevant considerations.

### Principle of development

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. At its core is the need for the planning system to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means the planning system has three overarching and interdependent objectives; these are economic, social, and environmental. Of particular relevance to this application is the environmental objective which seeks to protect and enhance the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 152 of the NPPF sets out that the planning system should support the transition to a low carbon future in a changing climate. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing



resources and support renewable and low carbon energy and associated infrastructure.

When determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Such applications should be approved if its impacts are (or can be made) acceptable (NPPF, para.158).

Policy CC2 of the Local Plan relates to renewable energy and low carbon generation, stating that proposals for such technologies (including associated infrastructure) will be supported in principle subject to all of the following criteria being demonstrated:

- (a) the proposal has been designed, in terms of its location and scale, to minimise any adverse impacts on adjacent land uses and local residential amenity;
- (b) the proposal has been designed to minimise the impact (including any cumulative impacts) on the natural environment in terms of landscape, and ecology and visual impact;
- (c) the design will ensure that heritage assets including local areas of historical and architectural distinctiveness are conserved in a manner appropriate for their significance;
- (d) where appropriate, the scheme can link in with proposals being brought forward through the Council's Low Carbon Action Plan and any other future climate change strategies;
- (e) the scheme maximises appropriate opportunities to address the energy needs of neighbouring uses (for example linking to existing or emerging district heating systems);
- (f) – (i) specifically relate to proposals for biomass, hydropower and wind energy and are therefore not applicable to this application.

The explanatory text to Policy CC2 recognises the importance of increasing the amount of energy sourced from low carbon and renewable technologies in reducing carbon emissions, helping to ensure fuel security and stimulating investment. It goes on to reference national planning policy and the important role that planning has in supporting the delivery of new renewable and low carbon energy infrastructure and the need for local authorities to take a positive approach to such schemes. The explanatory text does however acknowledge that this does not mean that the need for green energy overrides environmental protections and the planning concerns of local communities. The delivery of such proposals therefore needs to be carefully managed in the context of the natural and historic environment and in relation to the impact on local amenity. In balancing these objectives, it is important to acknowledge that the impact of specific technologies will vary by location.

Paragraph 5.115 of the explanatory text provides some commentary on solar power. It states that large-scale solar farms should be focused on previously developed and non-agricultural land. Where greenfield sites are proposed for such development, it should be demonstrated that the use of any agricultural land is necessary and where applicable that the proposal allows for continued agricultural use. Where possible, best and most versatile agricultural land should be protected.

Given that solar farms are temporary structures, the Council may apply planning conditions to ensure that the land is restored to its previous greenfield use in the event that the operation ceases. Specific consideration will be given to the effect of glint and glare on neighbouring uses. Applicants should demonstrate that opportunities to mitigate landscape and visual impacts through, for example, screening with native hedges have been maximised.

In addition to the above planning policy, in 2019 Warwick District Council declared a climate emergency. This requires the Council to take immediate action to drastically reduce carbon emissions and includes a commitment for Warwick District to be as close as possible to 'net zero' (carbon neutral) by 2030.

Within the supporting information, the applicant also draws attention to a range of national policy objectives regarding climate change and renewable energy. These include, amongst others, the Government's Energy White Paper (2020), National Policy Statement EN-1 (2021) and the Government's Net Zero Strategy: Build Back Greener (2021).

There is clear support for the overarching principle of the proposed development at both a national and local level. The proposal would contribute towards the country's supply of renewable energy, which would provide environmental benefits and enhance energy security. Supporting information indicates that the development would generate renewable energy for the equivalent of approximately 7,560 average family homes a year and could save the emission of 13,117 tonnes of carbon dioxide annually, or 524,674 tonnes of carbon dioxide over the operational lifetime of the solar farm. The development will also include equipment for a grid connection. This weighs in favour of the application.

Support for the principle of the proposal is, however, subject to consideration of the site-specific impacts of the development which are considered in the following sections of this report.

Whether the proposal constitutes appropriate development in the Green Belt, and if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified.

#### *National and local policy position*

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 cites the importance of local planning authorities ensuring that substantial weight is given to any harm to the Green Belt, stating that '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.

Paragraphs 149 and 150 cite the forms of development which are not considered to be inappropriate. Solar development is not listed amongst them and as such

the proposal constitutes inappropriate development in the Green Belt. The applicant agrees with this and accepts that very special circumstances therefore need to be demonstrated to justify the proposal.

Paragraph 151 specifically relates to renewable energy projects within the Green Belt and states that *"elements of many renewable projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*

Local Plan Policy DS18, which relates to Green Belt, echoes the requirements of the NPPF.

#### *The purposes of the Green Belt and the effect of the proposal on those purposes*

Paragraph 138 specifies the five purposes of the Green Belt, which 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.
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The application site lies within the West Midlands Green Belt, which covers some 923 square miles and surrounds Birmingham and Solihull, the Black Country and Coventry (outside of Warwick District).

The Joint Green Belt Study (2015) undertook an assessment of Green Belt land within six West Midlands councils, including the Green Belt within Warwick District, The Study assessed the Green Belt against the five purposes of Green Belt, as set out in the NPPF (and above).

The Study explicitly identifies parcels of land adjacent to the large built-up areas and main rural villages with the remainder of the Green Belt being submerged into "broad areas". These broad areas are defined as largely open and undeveloped countryside between the large built-up areas and main rural villages; they are the main body of the Green Belt and make a strategic contribution to the purposes of the Green Belt.

The application site is identified as lying within 'Broad Area 4'. The Study states that the area makes a considerable contribution to all purposes of the Green Belt as follows:

- Checking the sprawl of Warwick to the south-east and Kenilworth and Coventry to the northeast.
- Preventing the merging of these neighbouring towns in the long terms, particularly Warwick, Kenilworth and Coventry to the east. However, the southwestern half of the broad area makes a lesser significant contribution to preventing neighbouring towns merging due to there being no towns immediately to the west and southwest.
- Safeguarding the countryside, including a number of large woodlands, such as Hay Wood.

- Preserving the setting and special character of the historic towns of Warwick, Kenilworth, and Coventry. The broad area has excellent views into the historic core of Kenilworth, and Warwick; however, there are limited views into the historic core of Coventry to the north.
- Assisting urban regeneration by encouraging the recycling of derelict and other urban land across the West Midlands.

The Joint Green Belt Study is clear that the broad areas make a strategic contribution to the Green Belt purposes. The application site forms part of one of these broad areas and, as an area of strategic importance, this is a significant consideration. It is considered that there has not been any material change in circumstances in terms of the application site's surrounding context since the Study was carried out to alter this.

Officers recognise that the application site is remote from the nearest towns and large villages. Warwick is the closest settlement (with Kenilworth and Coventry being much further away to the north-east) with Land Parcel WA1 lying to the north-east of, but not adjoining, the application site. Having regard to the Study findings of WA1, it is considered that the application site does not have a meaningful role in checking the unrestricted sprawl of large built-up areas and further to the reference in the Study to the south-western half of the broad area (in which the application site is located) making a lesser significant contribution to neighbouring towns merging. Officers are satisfied that the site does not have a meaningful role in preventing neighbouring towns from merging into one another also.

The above has some bearing on the fourth purpose of the Green Belt, which is to preserve the setting and special character of historic towns. A heritage assessment is made later in this report but for the purposes of the assessment here, Officers are satisfied that historic towns would be unaffected.

With regard to the third purpose of the Green Belt, which is to safeguard the countryside from encroachment, the site forms part of an agricultural landscape. It forms a series of fields adjacent to other fields where the nature of built development within the wider vicinity would generally be considered as in keeping with a countryside setting. The proposed scheme would place extensive solar arrays across the site along with a range of supporting infrastructure of a relatively substantial nature and this would fundamentally alter the appearance of the site, have an urbanising influence, and fail to preserve its open qualities. As such, the proposal would conflict with this particular purpose of the Green Belt.

The proposal also has the potential to conflict with the final purpose of the Green Belt which is to assist in urban regeneration by encouraging the reuse of urban land. Officers are of the opinion that it is unlikely that a suitable brownfield site exists that could accommodate a solar farm of this scale and that would also be viable, suitable in all other regards and available for such use. This conclusion is supported by the applicant's assessment of alternative sites. Accordingly, it is considered that the proposal would not be in conflict with this purpose of the Green Belt.

### *Impact on openness*

Openness is not defined in the NPPF but is currently understood to refer to an absence of development. Openness is to be considered in both visual and spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public domain. The duration of a development and its ability to be returned to its original or equivalent state of openness is also relevant when considering the potential impact of the development on the openness of the Green Belt, as is the degree of activity likely to be generated.

The application site comprises a series of fields that are bound on its southern and eastern boundaries by the A46 dual carriageway and the B4463 respectively. To the north and western sides of the site are more agricultural fields, similar in size, field pattern and nature as the application site. Sherbourne Farm, while outside the red line site area, sits just to the north approximately 300m away, and comprises a range of agricultural buildings. Field boundaries generally consist of hedgerows with some having mature trees. The land gently slopes down towards the east/south with the highest point being towards the south-west side where there is a small, wooded area, which sits outside but adjacent to the site edged red.

The surrounding landscape is generally similar in landform with levels following broadly similar patterns; the land continues to fall slightly to the east with the historic core of Warwick town, including the Castle and St Mary's Church some 3km to 3.5km away on broadly similar levels to the site itself.

The site is located within a landscape made up of agricultural land interspersed with some areas of woodland, most notably to the west with some to the north and south and a handful of scattered farmsteads. The strategic road network encloses the southern side and to a slightly lesser degree the north-eastern side through the presence of the A46 dual carriageway and the M40 respectively. A series of public rights of way cross through and around the site. Built development in the vicinity of the site includes the village of Sherbourne to the south, Norton Lindsey to the north-west, Hampton Magna to the north-east and the larger historic town of Warwick to the east. Sitting between the historic core of Warwick and the application site, in close proximity to Junction 15 of the M40 is a business park with other commercial and retail uses sitting between the A46 and A429. Having regard to all of the above, the application site is considered to contribute towards the separation between these built forms and adds to the overall sense of openness within this location.

The proposal would introduce a significant amount of development into the area. The proposed solar arrays occupy the majority of the site and would be grouped into areas separated by existing field boundaries, new landscaping, and the proposed access tracks. The panels would be arranged in an east/west alignment in rows to face south at angles of approximately 17.5° to maximise capacity. The arrays would follow the existing topography of the land and the uppermost part of them would be around 2.9m in height above ground level. The panels are to be fixed meaning that the orientation of the panels will not change during the day to track the course of the sun.

The significant majority of the supporting infrastructure, including the battery storage, substations and storage container would be located next to the proposed access off the B4463, with just three transformers within the site. In addition, there would be security fencing and pole mounted security cameras which would likely result in some limited changes to the landform of the site.

Measures to mitigate the visual impacts of the development are proposed as part of the scheme. This includes retaining and enhancing where possible existing trees and hedgerows to integrate the proposals into the surrounding landscape. Moreover, minimal works to existing trees and hedgerows are anticipated, and proposed works avoid rooting areas of trees within the site. Where required, gaps in hedgerows would be repaired with appropriate native hedgerow species supplemented with native tree planting to reflect the local landscape character. The land in the immediate area of the solar arrays would be planted with species-rich grassland with parts of the site supplemented with wildflower meadow planting.

The submitted Landscape and Visual Appraisal (LVA) provides an analysis of the visual effects of the development and this is considered further in the relevant section of this report below. To summarise, the LVA acknowledges that due to the scale of the proposed development it would introduce a notable feature into the landscape, but having regard to the character of the landscape together with existing and proposed mitigation measures the impact would not be significant, a view with which the County Landscape Officer concurs. To that end, the impact on the openness of the Green Belt in visual terms is considered to be neutral.

In spatial terms, the existing site is open and free from development and the proposal would introduce a substantial amount of development onto the site. The quantity of arrays within the scheme would result in extensive ground cover and the battery storage, substations and other associated infrastructure would result in additional built form that would further diminish the openness of the Green Belt. The prevailing height of development across the site would generally be up to 3m although the solar arrays would follow the existing topography and would consequently undulate in height accordingly. The individual solar arrays would have a relatively modest mass and footprint though it is considered that cumulatively the overall volume would have a considerable spatial impact on the openness of the Green Belt when set against the existing situation.

The proposal would operate for a period of up to 40 years after which the solar farm would be decommissioned and the land returned to its agricultural use. Planning Practice Guidance and appeal decisions confirm that a 40-year lifespan for a solar development is to be considered temporary. The impact on the openness of the Green Belt would not therefore be permanent and the existing openness of the Green Belt would ultimately be reinstated. This reduces the impact of the development when considering the effect on openness.

With regard to the level of activity generated by the development, once the solar farm is operational there would be very limited traffic movements connected with its use and as such it is not considered that associated activity would have any impact on openness.

To conclude on the issue of openness, it is considered that the proposed development would impact on openness. This is principally as a result of the spatial impact owing to the amount and spread of development across an area which is currently undeveloped. The degree to which the impact is felt in spatial terms begins to reduce when considering the temporary and reversible nature of the development and the minimal level of activity associated with the development once operational. The impact on openness in visual terms is considered neutral.

### *Conclusion*

The proposal constitutes inappropriate development in the Green Belt which is harmful by definition and for which very special circumstances need to be demonstrated to justify the development. Officers consider there is some conflict with one of the five purposes of the Green Belt to do with safeguarding the countryside from encroachment and in terms of the impact on openness, there is some harm in spatial terms, while the impact in visual terms is considered to be neutral.

The applicant has sought to demonstrate that very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness. The applicant's case is considered at the end of this report following the assessment of all other relevant planning considerations.

### Landscape and Visual Impact

Local Plan Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. It should harmonise with or enhance land use and should relate well to local topography and landscape features. This policy also recognises the need for development to be resilient to climate change.

Policy NE4 of the Local Plan states that new development will be permitted which positively contributes to landscape character. Proposals must demonstrate that they consider landscape context, including local distinctiveness and enhance key landscape features, ensuring their long-term maintenance. Proposals must also identify their likely visual impacts on the local landscape and should conserve, enhance or restore important landscape features. Detrimental impacts on features which make a significant contribution to character, history and setting of an area of asset should be avoided.

Policy CC2 of the Local Plan states that proposals for new low carbon and renewable energy technologies (including associated infrastructure) will be supported in principle subject to, *inter alia*, the proposal having been designed to minimise the impact (including any cumulative impacts) on the natural environment in terms of landscape and visual impact. The supporting text to Policy CC2 advises that careful consideration will be given to the visual and landscape impacts of proposals, particularly in the case of large-scale technologies. It recognises that depending on their scale and design solar technologies, particularly large-scale solar farms, can have a negative impact on the rural landscape.

Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, *inter alia*, protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

Planning Practice Guidance (PPG) contains specific guidance on large scale ground-mounted solar. It states that: "*The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.*" It goes on to detail matters which a local planning authority will need to give particular attention to, including the proposal's visual impact and the effect on landscape. The PPG states that local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on landscape and recognises that the impact can be as great in predominantly flat landscapes as in hilly or mountainous areas.

When assessing the application in these terms, there is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where it can be viewed, such as from roads, public rights of way and individual dwellings.

A Landscape and Visual Appraisal (LVA) has been submitted with the application, together with an addendum specifically in relation to the design and mitigation strategy proposed for public rights of way through the site. The submitted LVA seeks to demonstrate that the proposed development could be successfully accommodated within the existing landscape pattern and could be assimilated into the surrounding landscape without causing any long-term harm to the landscape character visual amenity or existing landscape attributes of the area.

The LVA concludes that no significant effects (in the context of material considerations) are predicted on any landscape character areas or landscape designations within the study area.

There are nine selected viewpoints referred to throughout the LVA. These were selected on the basis of the Zone of Theoretical Visibility (ZTV) and an assessment of landscape and visual effects has been undertaken for each. The viewpoints identified are deemed those which are sensitive to change and where open views towards the site are generally experienced. The locations chosen demonstrate worst-case scenarios and in identifying these, a detailed analysis of the surrounding landscape has been undertaken to establish the likely visibility of the proposed development.

Short term significant visual effects are predicted during the early operational phase (i.e., year 0) at viewpoints 6 and 7; since both of these viewpoints are located on recreational routes within very close proximity to the site, nearby views of the arrays and associated infrastructure would tend to remain highly visible until mitigation planting matures. In the longer term, no significant effects are predicted at any of the nine viewpoints, nor on the users of any recreational routes or settlements in the wider landscape.



The very limited extent of significant effects identified in the LVA is largely due to the nature of the key characteristics of the landscape in which the site is located. The proposed development relates to the relatively flat landform with a large-scale land use pattern and to this end, this demonstrates that the Arden Wooded Estate lands and the Avon Terrace Farmlands Landscape Character Areas have some capacity to absorb the proposed development without detriment to their inherent character and quality.

To further assist with minimising the potential for adverse effects, the proposed development has been set back from public rights of way alongside the southern and eastern edges by 10m. This would allow for a 5m grassland strip that would line the route beyond which a 5m buffer of native and scrub would separate recreational users from the proposed development.

The LVA demonstrates that visibility in relation to the application site is, in practice, very localised and from almost all of the wider study area, including main settlements and roads, the proposed development would be screened from view by the pattern of mature woodlands, hedgerows and boundary trees that surround the site, and other intervening built development and landcover in the wider landscape.

#### *Assessment of Landscape Character*

The site is not covered by any national, regional, or local landscape designations. The site is located within National Character Area 97: Arden. At the regional level, the proposed site crosses two of the Landscape Character Area (LCA) covered by the Warwickshire Landscapes Guidelines SPG due to the way in which it is split by the cabling that connects the two red line site areas. Parcel 1 to the north-east is within the 'Avon Terrace Farmlands' LCA, while Parcel 2 to the south-west is within the 'Wooded Estatelands'. Since the Wooded Estatelands is described as "*mainly a peripheral Arden landscape*" and borders onto the Avon Valley, both landscape types should be taken into consideration.

The application site is located in a prevailing rural setting, sitting within a farmed landscape with land adjacent to the application site also farmland, retaining its rural character of small, nucleated villages, with scattered dwellings and farmsteads. It is part of the broad belt of countryside between Alcester and Warwick which follows the northern fringe of the Avon Valley. As such it is a landscape of mixed farmland with a medium to large scale field pattern with small, nucleated rural villages that mostly function as dormitory settlements for the nearby towns. Within this landscape type the landform is large scale undulating with prominent hilltop woodlands.

The site and the surrounding landform is described as low lying, relatively flat to gently sloping with medium to large regular fields separated by well-vegetated hedgerows, linear tree belts and some areas of woodlands. The land rises towards the western edge as well as slightly towards the northern edge while the highest land is formed by a small, wooded area just north of the south-western parcel of the site, sitting outside the red line application site. The Warwickshire Landscapes Guidelines SPG seeks to conserve and enhance the overall structure and well wooded character, conserving and restoring all primary hedge lines along roadsides, bridleways, footpaths and parish and farm boundaries.

The County Landscape Officer has referred to the 2014 Renewable Energy Landscape Study, which has defined landscape sensitivity for solar farms within Wooded Estatelands as high-medium for developments between 15-25ha and high for those over 25ha compared with a high-medium landscape sensitivity for developments between 15-25ha and over within Avon Terrace Farmlands. Sensitive landscape features include the many treed hilltops in and adjacent to the area, irregular fields, those without hedges or unimproved pasture, and the relationship between the landscape and settlements such as church spires. Solar energy development that detracts from these features would be considered undesirable.

The site and its immediate surroundings are of a largely rural and undeveloped character and are of high tranquillity. A table within the LVA sets out the key characteristics of each LCA and based on an assessment of susceptibility to change and landscape value, its overall sensitivity to the proposed development. The Arden Wooded Estatelands with its large-scale rolling topography, occasional steep scarp slopes, large woodlands, mature hedgerows and roadside oaks, semi-regular pattern of medium-large sized fields and a varied settlement pattern of small village and scattered farmsteads is deemed to be of a medium sensitivity.

The Avon Terrace Farmlands with its broad, flat gravel terraces, large scale geometric field pattern, small arable plots growing a wide variety of vegetable crops with glass houses, other associated horticultural buildings and small nucleated villages with brick/timber outbuildings is deemed to be of low-medium sensitivity.

As part of assessing the impact on the landscape, it is firstly useful to consider whether the site lies within a "valued landscape" in the context of paragraph 174 of the NPPF. The concept of a valued landscape is not however defined in the NPPF. The leading court case on what constitutes a valued landscape is *Stroud District Council v SSCLG and Gladman Developments Ltd* [2015]. This deals with whether the countryside in question has demonstrable physical attributes (rather than just popularity) which would take the site beyond mere countryside. In other words, whether the attributes elevate the landscape beyond 'the ordinary'.

Officers consider that the site is representative of the Landscape Character Types in which it sits and does not possess any particular characteristics that could reasonably and justifiably be said to raise it beyond common countryside. It is acknowledged that the network of PRow's includes the more widely known Avon Way, the greater public awareness of which makes the site potentially more sensitive to change. However, it is not considered that this conveys such special qualities that it would elevate the site to a valued landscape in terms of paragraph 174 of the NPPF. This conclusion is relevant in assessing the level of harm to the landscape.

The County Landscape Officer initially sought some additional information and clarification regarding the proposed mitigation measures. Additional viewpoints were also requested to/from Warwick Castle, St Mary's Church tower, part of the Avon Way and bridleway WB16 which connects with the village of Sherbourne to better understand how the site would be viewed within the wider landscape setting. The key part of understanding and assessing the mitigation was

embedded within what, specifically, is proposed in terms of the buffers, distances, and treatments to PRow routes. This is covered in more detail in the following section of this report which considers the visual impact.

For the purposes of considering the landscape character and resulting impacts, one of the strategic aims adopted and embedded into the concept of the landscape mitigation strategy is to protect the important landscape features of the site such as mature hedgerows, trees and woodlands. Mitigation is set out within the LEMP and further enhanced through a more recent drawing which illustrates the refinements to the mitigation measures. In summary this includes existing tree and hedgerow retention, management and maintenance as well as providing supplementary landscaping in any gaps, as required.

In considering the construction phase and its direct effects on the landscape, the proposed development would result in the loss of approximately 33ha of agricultural fields although, as the LEMP details, grassland in between the panels would be subject to ongoing management. The site would not be subject to any significant ground levelling, however, as the site exhibits some rural character the loss of open space would be noticeable and consequently, direct landscape and visual effects are considered to be moderate-major.

In considering the construction phase and its indirect effects on the landscape, ground-based activity would be noticeable from some nearby locations. From open sections of some of the PRow's that run alongside Field 2, recreational users would experience relatively extensive views of the construction of the solar arrays and associated infrastructure. Although temporary, effects are considered to be moderate-major.

From most other locations in the surrounding landscape where construction activity might be evident, this would only tend to occupy a relatively small proportion of the view and at a distance where the screening effects of intervening vegetation would most likely result in any landscape and visual effects as being not significant.

In considering the operational phase and the associated landscape and visual effects, the viewpoint assessment previously referred to above considers the worst-case scenario and is based on Year 5 in terms of the landscape mitigation. It is considered there would be no significant effects at any of the viewpoints, nor on the users of any recreational routes, or settlements in the wider landscape.

The very limited extent of significant effects identified is largely due to the nature of the key characteristics of the landscape in which the site is located. The proposed development relates to the relatively flat landform with a large-scale land use pattern and to this end, this demonstrates that the Arden Wooded Estatelands and the Avon Terrace Farmlands LCA's have some capacity to absorb the proposed development without detriment to their inherent character and quality.

When balancing all of the above together with the proposed mitigation measures which, more recently have been supplemented with additional measures suggested by the Landscape Officer, Officers are of the view that the development

would not have a harmful impact on landscape character, as to justify a refusal of planning permission.

### *Assessment of Visual Impact*

There is a well-connected network of Public Rights of Way (PRoW) which includes a section of recreational route, Shakespeare's Avon Way that runs adjacent to the site's south-western boundary. This is a promoted route and because of its greater public awareness, it is potentially more sensitive to change. In the Wooded Estatelands Landscape it is important to frame views rather than completely close them off.

There is no doubt there would be some level of impact on the landscape by reason of introducing solar panels to agricultural fields on which there are currently none. That being said, and further to the initial queries raised by the Landscape Officer and clarification sought, an extensive walkover of the site was undertaken with the applicant with the Landscape Officer present. All the key routes of the site, including the PRoW's were traversed in an attempt to further understand the likely visual impacts.

Another strategic aim adopted and embedded into the concept of the Landscape Mitigation Strategy includes protecting the recreational experience and enjoyment of walkers that the landscape currently provides when travelling along the network of PRoW's in and around the site.

The submitted LEMP details proposed landscape mitigation measures. In addition to providing screening and a buffer to the proposed development, this would help to contribute to the conservation and enhancement of the rural character experienced along the network of footpaths and bridleways that pass across or near to the site. Along some of the eastern and southern edges of the site, the development would be set back from PRoW's by 10m, allowing for a grassland strip that would line the route beyond which a 5m buffer of native and scrub would separate recreational users from the development and woodland shrub would be planted at varying heights to help provide a diverse habitat and an effective visual screen.

Most of the landscape would be unaffected, largely due to the screening effect of the characteristic pattern of intervening woodlands and mature boundary hedgerows and trees. Where it would be visible in close proximity, this would tend to be through intervening vegetation, including the native trees and shrubs detailed in the LEMP. In considering the well-treed and wooded nature of the local landscape and the associated very limited visibility of the proposed development, the LVA reasonably concludes that no significant landscape effects are predicated. It seems therefore that the development is capable of being successfully assimilated into the landscape.

In addition to the original mitigation measures proposed in the supporting LVA and addendum, further information has been provided by the applicant which considers a more bespoke approach to the landscape mitigation. This includes:

- Scrub and tree planting as outlined in the original LVA;
- Extending the above scrub and tree planting along the track between Swallows Nest and the A46 (within the application boundary);

- New scrub planting along the PRow on the south-west edge of Field 1 but omitting trees to preserve views north;
- Omitting the scrub and tree planting proposed along the southern edge of Field 2 which is proposed to be enclosed by a hedgerow, to screen/restrict views of the solar modules but preserve views out; and
- The layout of the scheme has already been optimised with regard to views from the adjacent PRow's and any glimpsed views through gates would be controlled and heavily restricted by the retained vegetation, as currently experienced. Simple tree planting either side of the new/existing gates could further enclose the views with the maturing canopies heavily restricting views into the site while allowing maintenance access.

The above summary was accompanied by a drawing illustrating the proposed 'refinements to the mitigation measures' all of which has been carefully considered by the Landscape Officer in the context of having walked the extent of the application site. The drawing illustrates the type of landscape intervention to be applied and where and thereafter, detailed planting plans can be secured by planning condition in the event permission is forthcoming.

The proposed hedge line along one of the PRow's is to be allowed to grow out to 3m wide with the height managed at around 2m. Along this particular path it is recommended that the proposed height of the hedge line be managed as a slightly lower height to maintain views out and towards Warwick Castle and St Mary's Church. Taking an assumed eye level of between 1.5m and 1.7m the refinements to mitigation drawing has been annotated accordingly to reflect the Landscape Officer's recommendations.

There would inevitably be some impact on visual receptors as a result of the development. As with the assessment of the effects on landscape character there are nevertheless some mitigating factors that would help limit the extent of these impacts. The key effects in terms of considering visual impacts is that which would be felt on users of the network of PRow's across and around the site. That being said, the package of mitigation measures put together by the applicant, part of which has been informed by the Landscape Officer, would result in a development which, in Officer's view is considered acceptable. Unlike the earlier (withdrawn) submission, the combination of landscape mitigation measures proposed along the PRow's, incorporating distances, depths of buffers and maintenance heights of hedgerows is considered satisfactory insofar as it would no longer give rise to a tunnelling feeling when walking the footpath(s) which was one of the main concerns previously.

When balancing all of the above and considering the proposed mitigation measures which, more recently have been supplemented with additional measures suggested by the Landscape Officer, Officers are of the view that the development would not have a harmful visual impact, as to justify a refusal of planning permission.

### *Trees*

The application was accompanied by an Arboricultural Impact Assessment which advises a limited area of scrub growth would need to be removed in order to enable the necessary access arrangements. The associated impacts of this are

further reduced as a result of the access point to the south no longer forming part of the proposals, resulting in the need to remove less scrub. In any event, this would be internal to the site and not readily seen from any significant public vantage point. The assessment also confirms that any proposed fencing would be located within the previously cultivated areas with all significant ground works being undertaken this fence line and as such there would be no detriment to the health or longevity of the trees, groups or woodlands. Solar arrays are broadly set far back enough from recorded trees, groups or woodlands so direct leaf and seed fall would not be an issue to the scale of development.

The supporting information has been considered by the Tree Officer who raises no objection in principle to the development. In the event permission is forthcoming it is recommended that a condition be attached requiring an Arboricultural Method Statement and tree protection plan showing what steps will be taken to protect the retained trees from harm during the development.

Officers are therefore of the view that subject to the aforementioned condition the proposed development can be undertaken without detriment to the amenity of the area. The development is therefore considered to comply with Policy NE4.

#### Impact on Heritage Assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The heritage assets to be considered in this case are the Sherbourne Conservation Area and some Grade II listed buildings in the village itself, both of which are located to the south of the site, approximately 300m away when measured at the nearest point. The presence of the A46 effectively separates the application site from the conservation area to an extent that no detrimental impact to the significance of the area is considered to arise from the proposals. The Conservation Officer has confirmed as part of this revised application that in view of this there remain no concerns from a heritage perspective and accordingly has raised no objection to the development. No material harm is caused to the character and appearance of the Sherbourne Conservation Area or to the setting of any listed buildings and accordingly the development is considered to comply with Policy HE1.

There are three Scheduled Ancient Monuments located within the Sherbourne area which are classed as enclosures and are located more than 1km south of the site. No heritage related concerns have been raised in this regard.

In making this assessment, Officers have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

#### Impact on Archaeology

Policy HE4 of the Warwick District Local Plan states that development will not be permitted that results in substantial harm to archaeological remains of national importance, and their settings unless in wholly exceptional circumstances. The Council will require that any remains of archaeological value are properly evaluated prior to the determination of the planning application.

A Geophysical Survey was undertaken to investigate the potential for buried archaeological remains. While this did not identify any anomalies or features of a definitive archaeological origin, two linear trends were identified as possible archaeology as they did not correspond with historic mapping and suggest a possible early field system or nature of enclosure. Within the wider Heritage Assessment, there is a suggestion that moderate to low archaeological potential existed in Areas 1-3 with Area 4 having moderate potential. The results of the Gradiometer Survey suggest that across all areas, the archaeological potential is low.

Following this, the applicant has provided a written undertaking that the development would be carried out without the need for below ground impacts across any part of the site and this follows the advice and recommendations of the County Archaeologist. In the event any significant archaeological deposits were then found, a suitably worded planning condition is capable of securing any further archaeological requirements.

Subject to the aforementioned condition and in light of the County Archaeologist raising no objection or other concerns with the development, Officers are satisfied that the development is in accordance with Policy HE4.

## Effect on Agricultural Land

Paragraph 174(b) of the NPPF places value on recognising the intrinsic character and beauty of the countryside including the best and most versatile agricultural land. The glossary within the NPPF defines Best and Most Versatile (BMV) agricultural land as being land in grades 1, 2 and 3a of the Agricultural Land Classification.

Policy EC2 of the Local Plan relates to farm diversification and seeks to protect BMV agricultural land. Additionally, Policy NE5 (Protection of Natural Resources) states that development proposals will be expected to demonstrate that they avoid the best and most versatile agricultural land unless the benefits of the proposal outweigh the need to protect the land for agricultural purposes.

The application has been accompanied by an Agricultural Land Quality Survey which identifies two main soil types: slowly permeable and medium loamy soils. The agricultural quality of the land is determined by soil wetness and land of grades 2 and 3 has been identified. Grade 2 land occurs in small areas in the south and north-east and makes up approximately 5ha of the total site, which equates to around 14% of the land. Grade 3a makes up 3.4ha, approximately 10% of the site, while Grade 3b makes up 24.4ha which is over 70% of the site. 'Other land' forms the remaining 5% of the site.

It is acknowledged that the site provides arable value and if approved, the development would mean it no longer has the ability to provide such a function. Nevertheless, the applicant has referred to the proposal as a dual use; one which allows agricultural practices to continue alongside the operation of the solar farm which, in this case, would predominantly consist of sheep grazing within the fenced areas for the solar arrays. At the end of the 40-year operational lifespan of the solar farm the site would be restored back to full agricultural use with all equipment and below ground connections removed.

As above the submitted agricultural land classification survey demonstrates that the majority of the site is Grade 3b or lower, with a proportion being Grade 2 or 3a. National planning policy does not preclude development from taking place on Grade 2 or 3a land but it does require that evidence be prepared to demonstrate that the site is the most suitable available land for a renewable energy scheme when all other available options in the locality have been taken into account. In addition to this an Agricultural Land Classification Sequential Analysis has also been undertaken by the applicant that demonstrates the site is the most suitable available site.

The justification presented by the applicant provides some mitigation although Officers consider that it is unlikely to fully offset the loss of arable land for the proposed duration of time. Nevertheless, as the majority of the site does not meet the BMV classification, it is not considered that there would be grounds to refuse the application and the loss of a small amount of Grade 2 land is attributed minor harm in the overall planning balance.



## Impact on Neighbouring/ Residential Amenity

Local Plan Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. At the same time, the policy also requires development to provide acceptable standards of amenity for all future users and occupiers of the development. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health and living conditions.

By reason of both the nature of the development and the distances involved between the proposed solar panels and the nearest residential properties which are some 300m to the south, physically separated by the A46 dual carriageway, Officers are satisfied there would be no material harm caused to neighbouring amenity by reason of loss of privacy, loss of outlook or loss of light. There are however some other matters to consider in respect of impacts on amenity.

A Glint and Glare Assessment was submitted with the application which considers the effects of glint arising from the proposed panel layout on the receptors around the site. Particular attention is paid to receptors considered to be more sensitive to glint such as pilots, motorists on main roads traveling at speed and train drivers. A 1km survey area is considered adequate for ground-based receptors while this increases to a 30km study area for aviation receptors. Geometric analysis has been conducted for a number of different receptors<sup>1</sup>, including runways and air traffic control towers at Wellesbourne Mountford Airfield and Coventry Airport.

No impacts are predicted on train drivers, railway infrastructure or aviation receptors. For some residential receptors where a low/medium/high impact has been identified there is proposed mitigation required to ensure appropriate screening through planting and infilling of native hedgerows to a suitable height. It is anticipated that once mitigation measures have been introduced there is predicted to be no impact and therefore no effect.

WDC Environmental Protection have considered the Glint and Glare Assessment and raise no concerns in this regard. Furthermore, it is noted that WCC Highways have raised no concerns in this regard either, in respect of highway safety.

The proposed development would require the installation of inverters, transformers and battery storage which has the potential to give rise to noise. The applicant has provided a Noise Assessment which considers any likely significant noise effects on key receptors during the operational phase of the proposed development. The assessment demonstrates that low and negligible impacts during nighttime periods are anticipated and therefore proposes no mitigation. The Environmental Health Officer has reviewed the information and raised no concerns in this regard nor have any further assessments been required or conditions recommended with regard to noise.

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<sup>1</sup> 27no. individual residential receptors and 38no. road receptors

To mitigate the impacts on amenity from the construction phase, a condition would be necessary to require the construction works to be completed in accordance with Warwick District Council's Construction Guidelines. This would help ensure that adverse impacts on nearby residential amenity such as noise, dust, lighting, and waste, are minimised.

Having regard to all of the above, Officers are therefore satisfied that the development is acceptable in this regard and accords with Policies BE3 and NE5.

#### Access, parking and highway safety

Policy TR1 requires development to provide safe, suitable, and attractive access routes for all road users, including drivers of motor vehicles as well as cyclists, pedestrians, and public transport users. Development proposals will be expected to demonstrate that they are not detrimental to highway safety, are designed to provide suitable access and circulation for a range of transport modes including pedestrians, cyclists, emergency services and public transport services, and create safe and secure layouts for motorised vehicles, cyclists, pedestrians, and public transport and integrate the access routes into the overall development.

Policy TR2 of the Local Plan states that all large-scale developments (both residential and non-residential) that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic.

Policy TR3 requires development to make provision for parking which has regard to the location and accessibility of the site by means other than the private car, does not result in on-street car parking detrimental to highway safety; takes account of the parking needs of disabled car users, motorcyclists and cyclists; and takes account of the requirements of commercial vehicles. Moreover, development will be expected to comply with the parking stands set out in the most recent Parking SPD.

Access arrangements have been revised during the course of the application following feedback from both the County Highways Authority and National Highways. Originally, two points of access to serve the solar farm were proposed; both utilising existing vehicle accesses with one to the south of the site accessed off the A46 dual carriageway while the other is to the north-east accessed off the B4463. Concerns were raised with respect to the southern access in view of the speed of traffic travelling on the A46 and a revised plan now shows only access point to the north-east off the B4463.

A revised Construction Traffic Management Plan (CTMP) also accompanies the application which not only clarifies the revised access arrangements for the development but also considers routing for construction traffic, vehicle numbers, size and frequency and any proposed mitigation measures. The B4463 access would have improvement works carried out to facilitate the proposed development and all construction vehicles would be able to enter and exit the site in a forward gear. Once operational, the construction access point would be retained, and the site would continue to be accessed from the B4463 with internal access tracks retained for use by maintenance vehicles as appropriate. It is anticipated that the

solar farm would be associated with approximately one maintenance visit to the site per month by a 4x4 or small van.

Two temporary construction compounds are proposed within the site; one to the south-west side of the site and the other at the north-east side, near to the site access. Temporary parking areas would be provided within the main contractor's compound thus keeping parking contained within the site with no need for additional or unnecessary parking to occur on the local highway network. The compound also includes areas for the storage of plant and equipment.

The CTMP provides detail on the routing for construction traffic, not only internally within the site, but also in terms of arrival to and departure from the site. Management of the site and its construction traffic in this way would ensure that traffic proceeds to/from the strategic road network as soon as possible. In addition, a range of proposed mitigation measures are specified within the CTMP between 5.1 and 5.27 which consider HGV management, signage, dust and dirt, the existing Sherbourne Farm, public rights of way management and the District Council's own site working guidance.

Following the amendments being made to the proposed access arrangements and now that there would be only one access, to the north-east off the B4463, National Highways have confirmed there is no objection to the development. Similarly, the County Highways Authority has offered no objection to the development, subject to a range of conditions some of which seek to secure the content and proposed mitigation set out within the revised CTMP.

For the above reasons, Officers are therefore satisfied that the development is acceptable in this regard and as such accords with Policies TR1, TR2 and TR3.

#### Impact on Ecology and Biodiversity Net Gain

The NPPF and the Local Plan place great importance on the protection and enhancement of biodiversity, including achieving a biodiversity and green infrastructure net gain when mitigating impacts of new development.

Policy NE2 of the Local Plan states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. Policy NE2 goes on to states that all proposals likely to impact on these assets will be subject to an ecological assessment.

Policy NE3 states that new development will be permitted provided that it protects, enhances and/or restores habitat biodiversity. Development proposals will be expected to ensure that they lead to no net loss of biodiversity, and where possible a net gain, where appropriate, by means of an approved ecological assessment of existing site features and development impacts; protect or enhance biodiversity assets and secure their long-term management and maintenance, and; avoid negative impacts on existing biodiversity.

The likely effects of the proposed development on nature conservation and biodiversity have been assessed in the Ecological Assessment, Assessment Addendum, Technical Note and Biodiversity Metric all submitted with the application.

A total of thirteen habitat types were noted during the Extended Phase 1 Habitat Survey undertaken; the main impacts during the construction phase include the direct loss of habitat under the proposed development footprint and indirect loss of habitat due to noise and vibration disturbance. The loss of these primary arable habitat areas is considered to be of negligible significance to nature conservation interest within the local area. The evidence submitted confirms that the ecological features of importance have been accommodated for within the proposed development and furthermore, appropriate mitigation, compensation and enhancement is proposed accordingly which is set out in the Ecological Assessment as well as the Landscape and Ecological Management Plan (LEMP).

A Biodiversity Net Gain Assessment has also been undertaken which demonstrates that proposed development would secure net gains of 192.47% in area habitat units and 92.46% net gain in hedgerow units. The biodiversity net gain would be achieved through the proposed landscape planting, habitat enhancements and long-term management as set out within the LEMP.

The County Ecologist initially sought some additional information and clarification from the applicant which has since been provided. The subsequent response from the County Ecologist offered some suggestions in terms of how to achieve target conditions in relation to neutral grassland and mixed scrub and also set out a preference for habitat underneath trees (other neutral grassland) as opposed to traditional orchard. These were however intended as suggestions and it was noted that even if such amendments were made to the BNG assessment, an overall gain is still indicated, and consequently no further information need be provided at this stage.

The applicant provided a note to confirm that some minor modifications had been made to the metric which resulted in a negligible reduction in the net gain in area habitat units (192.47% down from 192.7%).

Both a Construction and Environmental Management Plan (CEMP) and LEMP would be required by condition in the event permission were forthcoming for this development. The CEMP would set out all mitigation measures that need to be implemented for protected species, while the LEMP would set out and secure the necessary long-term management of the site, including monitoring of the proposed species enhancements.

Subject to the aforementioned conditions being attached to any forthcoming permission, together with the review of the proposals undertaken by the County Ecologist, Officers are satisfied that the development is acceptable in regard to its impact on protected species and moreover that it would result in a significant biodiversity net gain which is considered a benefit to which significant weight is attributed in the overall planning balance.

## Drainage and Flood Risk

A Flood Risk Assessment (FRA) accompanies this application which confirms the vast majority of the site lies within Flood Zone 1 with a small proportion, lying outside of the proposed developable area, within Flood Zones 2 and 3. It is the cable route as it crosses Sherbourne Brook that would be located within the latter two flood zones and as such the development is deemed to be at low risk of flooding from rivers and the sea.

The site is not considered to be at risk of flooding from groundwater, sewers, reservoirs, or other artificial sources. With design measures in place the development would be safe and would not impact on flood risk elsewhere. The FRA demonstrates that the proposals meet the aims of the NPPF being safe from all sources of flooding and reducing downstream flood risk and pollution.

The recommendations of the FRA have been fully integrated into the design of the proposal. These include constructing five filter drain / soakaway channels across the application site. These locations were chosen as they are on the lower boundary of each field where surface waters are likely to be directed to. The intention is to capture any overland flow in the SUD's device prior to releasing into the natural surface water system. They will provide a total storage volume of 44m<sup>3</sup> which is greater than the volume of additional runoff generated as a result of the impermeable buildings which is considered to adequately mitigate the increase in flow rates as a result of the minor increase in impermeable area and provide a good degree of betterment.

Additional drainage measures include the retention and/or reinstatement of grass cover adjacent to and underneath panels in order to maximise bio-retention, access tracks to be left informal in terms of their finish, but in the event any part requires more formal surfacing, locally sourced crushed stone is to be used. Where inverter transformer stations are proposed it is anticipated that runoff from this infrastructure should be directed to a percolation area for discharge to ground.

The Lead Local Flood Authority (LLFA) initially required some additional information/clarification in respect of the information originally submitted with the application. On further review, the LLFA has confirmed there is no objection to the development subject to appropriate conditions being attached to any forthcoming permission.

In view of the above, Officers are satisfied that the development is acceptable in this regard, would not exacerbate flooding or drainage risks and is in accordance with Policies FW1, FW2 and SC0.

## Air quality

As the traffic flows associated with the site would be minimal post the construction phases of the development and owing to the sustainable nature of the development itself, air quality mitigation measures would not be necessary in this instance.

## Other matters

### *Very Special Circumstances*

The applicant considers there are very special circumstances that justify the proposed development within the Green Belt. It is considered that the potential harm to the Green Belt by reason of inappropriateness would be clearly outweighed by other considerations.

It is well established in case law that the definition of very special circumstances does not mean that they need to be rare or uncommon. In *R (Basildon District Council) v First Secretary of State and Temple* [2004] it was stated that *"...in planning, as in ordinary life, a number of ordinary factors may when combined together result in something very special. Whether any particular combination amounts to very special circumstances for the purposes of PPG2<sup>2</sup> will be a matter for the planning judgement of the decision-taker."*

This view was supported in the judgement of Lord Justice Wilson in *Wychavon District Council v secretary of State for Communities & Local Government & Ors* [2008] where it was held that *"...in my view the judge was wrong, with respect, to treat the words 'very special' in the paragraph 3.2 of the guidance as simply the converse of 'commonplace'. Rarity may of course contribute to the 'special' quality of a particular factor, but it is not essential, as a matter of ordinary language or policy. The word 'special' in the guidance connotes not a quantitative test but a qualitative judgement as to the weight to be given to the particular factor for planning purposes."*

The case for very special circumstances as presented by the applicant is summarised below:

- **The immediate contribution that the proposed development will make towards achieving carbon neutrality.**

There is an indisputable need for renewable energy development; reference is made to the NPPF which states that local authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

The only logical conclusion to be taken from the acknowledged climate crisis is that a dramatic increase in sources of renewable energy supply is needed without further delay; to wait in the hope that a more suitable site or proposals as yet unidentified will come forward would be to accept the consequences of inaction resulting in carbon emissions continuing to be released at or above current rates.

The proposed solar farm will export 25MW of clean energy to the national grid. Overall, the solar farm would save 13,117 tonnes of CO<sub>2</sub> emissions annually which equates to a total of 524,674 tonnes over its 40-year operational lifetime. This is the equivalent of providing electricity sufficient to meet the needs of

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<sup>2</sup> PPG2 was the former Planning Policy Guidance note on Green Belt which has since been replaced by the National Planning Policy Framework

approximately 7,560 homes per year. This is not a small-scale contribution and therefore its contribution cannot be underestimated.

The scheme can be operational within 12-18 months of permission being granted and its ability to provide a more or less immediate source of clean, green energy supply where there is available capacity to connect to the electricity network should be given very significant weight in the overall balance. This assertion is predicated on the fact that solar farms are no longer supported by subsidies and the proximity to a grid connection is therefore critical to the viability of these proposals.

- **The absence of alternative sites;**

The application is supported by an Agricultural Land Classification Sequential Analysis which includes a search of available and suitable land spanning the three local authorities of Warwick District, Stratford on Avon District and Rugby Borough. It assessed all land within 1 mile of the local national grid corridor, which is a wider scope than the typical 1km search area usually applied to such assessments.

The land was assessed against a range of criteria, including:

- 1 mile distance from a 33kv grid line that this development would be able to connect into.
- Slopes no greater than 15 degrees.
- Aspect of land, facing south-east through to south-west or any aspect if on land with a slope no greater than 5°.
- Allocated sites.
- Authorised landfill sites;
- 100m buffer from residential development, 100m buffer to other existing buildings, 5m buffers from roads either side, 10m buffer from a railway line either side and golf clubs were excluded;
- Ecological designations with 15m buffer, woodland, RSPB reserve and RAMSAR (wetland sites);
- Landscape and heritage assets (such as Green Belt, Conservation Area, AONB, World Heritage Site, Schedule Monuments, Listed Buildings, Registered Battlefields, Parks & Gardens, Country Parks, and open access).
- Agricultural land classification, sites that are Grade 3, 4 or 5 or previously developed land.
- Similar areas of land (33ha+) to allow for a similar size scheme of development; and
- Excluding EA Flood Zones 2 and 3.

In order to match the available capacity in the search area, sites of a similar size were assessed to offer a reasonable alternative to the proposed scheme.

The analysis concluded that no suitable alternative sites were found within the 1-mile catchment area on Grade 4 or 5 agricultural land. The application site itself is predominantly Grade 3b land or lower and only a small proportion is classed as Best and Most Versatile (BMV). Furthermore, the proportion of BMV land within the application site is less than half the 20-hectare area that Natural England require to be consulted on for such schemes and therefore is not regarded as significant.

The lack of alternative sites to provide a 25MW source of renewable energy to the local electricity network is therefore a compelling reason constituting very special circumstances to allow such development within environmentally acceptable locations within the Green Belt.

- **The absence of a plan-led solution**

The Warwick District Local Plan 2011-2029 was adopted in September 2017 and although Policy CC2 acknowledges the need for renewable energy development, the Plan falls short of identifying a target generating capacity within the district to be met by the end of the plan period. Neither does the Plan identify or allocate suitable sites to accommodate renewable energy development. Consequently, there is currently a policy void in the Development Plan that relies on speculative proposals coming forward.

WDC is at an advanced stage of preparation of the Net Zero Carbon DPD. Its single objective is set out within the draft version which is to focus on minimising carbon emissions from new buildings within the District to support the achievement of national and local carbon reduction targets.

While this is an important consideration towards achieving net zero carbon emissions the focus of the document is narrow and only seeks to minimise the carbon emissions from new buildings. It does not provide a policy position necessary to encourage and meet the critical need to also reduce reliance on fossil fuels by increasing the generating capacity of renewable energy developments.

In preparing the Joint Local Plan between Warwick and Stratford on Avon District Councils, the evidence base to support the emerging local plan recognises the limitation of existing local plan policies and within the Climate Change Baseline Report by Arup current gaps in the policy are highlighted, demonstrating that the current Development Plan does not fully meet the requirements of the NPPF.

To that end it seems a plan led solution is still several years away, and the application should be determined positively in keeping with the NPPF's presumption in favour of sustainable development which is enshrined within Policy DS5 of the Local Plan.

- **The temporary and reversible nature of the proposed development**

The development and use of land is for a temporary period of 40 years from the date of first export of electricity from the site. The panels are mounted on steel frames which are set into the ground using pilings. The actual footprint of the photovoltaic cells therefore takes up a very small proportion of the land.

The arrays themselves are classed as plant and machinery rather than buildings and once they have come to the end of their operational life, they can be easily dismantled and removed enabling the land to be quickly returned to its original condition and full agricultural use.

Unlike other forms of development which by their nature are more permanent, the proposal would not result in the permanent loss of or removal of Green Belt land.



- **The retention of agricultural use during the operational period and contribution to food security and farm diversification**

The proposals allow for the continued use of the land for grazing; the dual renewable energy/agricultural use has been successfully adopted for numerous solar schemes and allows the land to remain in agricultural production throughout the life of the development.

A recent study undertaken<sup>3</sup> shows that solar development can have a positive influence on food production through a number of ways, including, by addressing climate change, which is the single biggest threat to food security, by cutting costs which in turn keeps farmers in business, by preserving agricultural land and supporting soil recovery, and by delivering a variety of ecological enhancements.

The above seeks to demonstrate that the common misconception around solar farms reducing agricultural productivity are unfounded and in fact the opposite is true.

- **The contribution that the site makes to the purposes of the Green Belt**

It is acknowledged that the site's Green Belt location means there will likely be some harm to the Green Belt purposes. The pertinent question however is whether such harm would be substantial or perhaps the degree of change would be relatively limited and the level of harm acceptable.

An assessment is made of the proposed development against each of the purposes which is broadly in line with the assessment set out above in this report. In respect of encroachment, reference is made to the Joint Green Belt Study (2015) and the submitted LVA. Since the site is not associated with any settlement its function to safeguard the countryside from encroachment is limited and on balance it is considered that the site in isolation does not play a fundamental role in relation to the wider Green Belt parcel and its contribution to this purpose is medium to low moderate. If released it would have limited harm upon the performance of the wider strategic Green Belt.

To conclude, the openness of the Green Belt would be affected on a highly localised level and within the site only.

#### *Summary on Very Special Circumstances*

With regard to the applicant's very special circumstances, their principal justification concerns the contribution that the development would make to the production of renewable energy and associated environmental benefits that fully align with international, national and local targets and aspirations to transition to a low carbon economy and tackle climate change. This in turn would also provide knock-on benefits for national energy security.

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<sup>3</sup> 'Ground Mounted Solar Farms and Agricultural Land: The Facts' published by Solar UK Ltd in December 2022.

The NPPF identifies that very special circumstances may include wider environmental benefits associated with the production of energy from renewable sources.

Officers recognise that there is a significant policy requirement and need to tackle climate change and decarbonise the grid network. The provision of low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the NPPF. There is strong national policy support for the development from the Government's Energy White Paper (2020), national Policy Statement EN-1 (2021), Net Zero Strategy: Build Back Greener (2021) and British Energy Security Strategy (2022), to increase capacity of the national grid network and to reduce costs for consumers. The application is also consistent with the overarching principles of delivering sustainable development within the Local Plan as well as the Council's Climate Change Declaration, albeit the latter is not a planning policy and is just a statement of intent.

The proposals are of a scale to make a significant contribution to renewable energy production, providing enough clean energy to power approximately 7,560 homes per year. The contribution that the development would make to tackling climate change and decarbonising the grid would therefore be significant and carries substantial weight.

Second to the contribution the development would make towards the production of renewable energy is the sequential assessment of alternative sites which demonstrates an absence of alternatives which are both suitable and/or available.

The first requirement is for the identification of suitable grid connection point. A solar farm requires grid capacity and a viable connection to operate. As such, this requirement places a locational restriction on site selection that limits the number of appropriate sites for such a facility. The District Network Operator (DNO) has confirmed that there is capacity for the proposed 25MW solar farm and identifies Tournament Fields substation. A connection to potential sites are then identified within a suitable radius of the point of connection having regard to a range of factors including environmental and planning policy constraints, geographical and topographical considerations, land ownership and commercial viability. Officers accept that these represent pertinent and comprehensive criteria for site selection and further note in this particular case that the search area was not confined to within Warwick District alone, but instead, expanded to include Rugby Borough and Stratford on Avon District as well.

As set out earlier within the report, Officers have already accepted that it is unlikely that suitable brownfield sites would exist for the development as proposed and the potential brownfield sites are unlikely to be viable, suitable in all other regards and available for such use. Moreover, given the make-up of the land within the search area it is somewhat inevitable that potential other sites are also going to be on agricultural land within the Green Belt.

The applicant's very special circumstances also identify other planning benefits that attract weight in favour of the proposal. The absence of a plan-led solution as they refer to it, particularly in light of the Council's Declaration of a Climate Emergency, is a material consideration to which Officers attribute significant

weight especially having regard to the NPPF's presumption in favour of sustainable development.

The temporary and reversible nature of the development has been considered as part of the officer assessment and so this has already been weighed within the consideration of the proposal. As such, it is not considered to be a very special circumstance in its own right that should be attributed weight here. The same applies, to some extent, to the consideration of the impacts of the proposal on the purposes of including land within the Green Belt which has had its own comprehensive officer assessment undertaken within this report.

With regard to the dual renewable energy/agricultural use of the site, the supporting information provided goes some way to dispel some common misconceptions about solar farms reducing agricultural productivity and while Officers have no specific additional information to either support or counter these assertions, moderate weight is attributed to this as a very special circumstance.

#### *Other benefits of the scheme*

Whilst not explicitly advanced by the applicant in the context of very special circumstances, other benefits of the proposal have been presented within the supporting information, to which Officers consider weight should be attributed in the overall planning balance. These consider both the wider and specific benefits of the scheme, including for the local community.

#### Social benefits

The benefits of the proposed development's capacity in terms of generation of electricity has already been noted throughout this report. By way of a summary, the reduction of CO<sub>2</sub> emissions annually by more than 13,000 tonnes represents a significant contribution to the legally binding national and international requirement and associated targets to increase renewable energy generation and reduce CO<sub>2</sub> emissions.

#### Economic benefits

The scheme represents a significant financial investment with tangible benefits to the local economy during the 3–6-month construction period including from the temporary jobs created. The proposals would also support the ongoing operation of the farm and it is stated within the supporting documentation that the owners are planning to use some of the revenues from the solar farm to plant 3-4 rows of trees north of Fields 2 and 3 (with some rows inside the red line site area and others outside of it). These would help with the LVA, pollinators and the yield would be available for the local cider brewer. It is noted however that this is a more indirect benefit of the proposal which, although supporting farm diversification, cannot be secured as part of the permission.<sup>4</sup> It is nevertheless noted that the applicant has a legal obligation to financially support the landlord for planting, if the contractual option for the solar farm is exercised, following approval of the application. No weight can be attributed to this particular

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<sup>4</sup> This is because the operation of the wider farm is not directly related to the proposed development and accordingly is outside of the applicant's control.

consideration owing to the fact it cannot be secured by either condition or S.106 Agreement.

The project is expected to generate approximately 50 FTE construction workers on site during the construction period which is expected to last up to 6 months. A further 116 temporary jobs, either directly related to the site or indirectly within the wider economy during the construction period, are also expected.

Solar energy is the lowest cost form of electricity generation according to the Department for Business, Energy and Industrial Strategy (BEIS), meaning these proposals will contribute to reducing the overall cost of electricity generation for UK consumers.

### Environmental benefits

As noted above within the comprehensive landscape assessment, where possible, the proposed development retains and enhances the existing landscape features, particularly hedgerow field boundaries and promotes the use of traditional field hedges and diversity of native hedgerow species. The ecological and landscape enhancements include; the creation of species-rich grassland throughout the site, including beneath the solar arrays; creation of wildflower meadow strips; fruit tree planting; additional native hedgerow planting as well as infilling of existing hedgerows; scrub planting and bird and bat boxes.

The above are considered to represent substantial benefits to which significant weight should be afforded particularly in view of the fact that the proposal would deliver biodiversity net gains of >192% in area habitat units and >92% net gain in hedgerow units. These figures are well in excess of the soon to be mandatory 10% government requirement. Moreover, these benefits are expected to last beyond the lifetime of the proposal and as referenced in the VSC case, the site would also provide the opportunity for the soils to rest and improve.

Lastly, the generation of renewable energy also reduces reliance on the consumption of fossil fuels, and therefore indirectly contributes to reducing the harmful emissions such as particulate matter (PM10) Nitrogen Oxides (NOx) and Carbon Monoxide (CO) which are known to be harmful to the health of humans as well as plants and fauna.

### *Appeals and Other Decisions of Note*

Certain other solar developments, including those subject to recent appeal decisions have been cited by the applicant within their supporting information. Each development proposal is of course considered on its own merits and no two cases will likely be comparable, although it is recognised there may be elements of one particular case which can be likened to another. Previous decisions, whether delegated by the relevant local authority or allowed by a Planning Inspector should not set a precedent for future applications of a similar nature. There are however some notable decisions which are worth referencing here.

One such case is *Land west of County Lane, Albrington, Shropshire* which was approved by the local authority, though it is noted the proposal was approximately half the size of the Sherbourne proposal. The Committee report recognised that

solar farms are not an uncommon feature within the Green Belt across the UK and even Green Belt policy recognises that the renewable energy benefits of solar development can qualify as a very special circumstances to justify inappropriate development. In making this assessment it asserts that solar farms can be regarded as a semi-rural use as opposed to an 'urban' or 'industrial' form of development.

A recent and notable appeal decision is *Land east and west of A130 and north and south of Canon Barns Road, Chelmsford*. The applicant for the Sherbourne development cites the Inspector's principal approach and conclusions drawn as being informative and relevant to their own proposal. While the appeal proposal is around 15 ha larger than the Sherbourne application site and accordingly would provide power for a larger number of homes, the Inspector concluded that the proposal would result in encroachment and moderate harm to the openness of the Green Belt but found that the benefits of renewable energy raised substantial benefits in favour of the proposal. In addition to the significant harm to the Green Belt in that case, other harm had been identified, including harm to heritage assets and harm to landscape character, with which the Inspector did not disagree. Ultimately however, the Inspector concluded that the public benefits were of sufficient magnitude to outweigh the substantial harm to the Green Belt as well as all other harm identified. Officers have referenced this particular appeal decision for context, noting that no other harm has been identified in this Sherbourne application, besides harm by reason of inappropriateness.

Finally, Officers consider it pertinent to reference the recent resolution of Warwick District Council's Planning Committee to approve a proposed 23.1MW solar farm in Honiley, against the officer recommendation to refuse planning permission. While many of the benefits of the proposal are broadly comparable to the Sherbourne application, there is much about the two schemes which are in no way comparable. To a degree it is not necessary to repeat the considerations made in respect of the earlier Honiley scheme because it is important to reiterate that each site and development should be considered on its own individual merits. Nevertheless, it is considered relevant to note the very different site location within the Green Belt, the landscape setting and harm identified therein together with other impacts considered by the officer in that particular case.

Notwithstanding the fact that Members of the Planning Committee legitimately reached a different view to the recommendation of the officer, it is acknowledged for the purposes of considering this application that no other harm has been identified besides the harm caused by reason of inappropriateness in the Green Belt. It is also important to note that both applications have been approached in the same way insofar as the policy context and principle of development is concerned. However, consistency in considering the Green Belt assessment does not automatically equate to the same recommendation being reached. The degree to which the development impacts on openness in both visual and spatial terms must be balanced against any other harm identified, the very special circumstances demonstrated by the applicant and any other benefits of the scheme in the context of all relevant material planning considerations.

### *Cumulative impacts*

It is relevant, insofar as cumulative impacts are concerned, to reference a previously refused application by Warwick District Council which is currently the subject of an appeal. Land to the west of A46 forms an area of land to the north-east of the Sherbourne application site being considered here and similarly to the current application site which is split into two parcels, connected by underground cabling, the appeal site also forms two parcels, connected by underground cabling. The two parcels sit to the north and south sides of Parcel 1 in this current application and are bounded on the south and north sides by the A46 and the M40 respectively.

Acknowledging that the decision to refuse a 20MW solar farm was made under delegated powers it is also relevant to note that there are differences between these two sites, despite their physical proximity to and relationship with one another. Part of the appeal site included land on much higher ground on which one of the tallest parts of the development was proposed, involving a 15m high feeder tower/mast. The impacts on the landscape in both character and visual terms were therefore materially different to those considered in this application and moreover there was an objection from the Landscape Officer which was not satisfactorily resolved through the course of the application. Additionally, other harm was identified and in total the scheme was refused for seven reasons including archaeology, highway safety, ecology, biodiversity and flood risk, in addition to the landscape impacts and the harm by definition of inappropriate development in the Green Belt.

In the event that planning permission were forthcoming for this current application, this would reasonably form a material consideration in the determination of the appeal by the Planning Inspector, although a decision in respect of the appeal is not expected until much later in the year. In terms of assessing cumulative impacts for this application, the assessment has been made based on the fact that the adjacent land has been refused and now lies within the remit of the Planning Inspectorate. Moreover, there are several grounds of harm identified which are not applicable in this case and Officers are of the view that as things currently stand there are no likely effects of cumulative impacts.

### *WDC's plans for a Hydrogen Hub*

The District Council wishes to play a leading role in both bringing hydrogen production to the district and promoting hydrogen use within the district. As set out in the Climate Change Action Programme, the ambition for a Hydrogen Hub in the District has already prompted an initial feasibility study and strategic outline case, which demonstrates that the development of a Hydrogen Hub is feasible and could offer a range of significant benefits. At its meeting on 29<sup>th</sup> September 2022, the Cabinet approved the Hydrogen Strategy to 2040; this is the framework for bringing forward hydrogen infrastructure within the District and surrounding areas.

Any Hydrogen Hub should ideally be placed within 3km of a solar farm, in order to facilitate a direct wire, carrying renewable electricity from the solar farm to the Hydrogen Hub. This green electricity would then power the electrolysis process (separating hydrogen and oxygen out of water) and the direct wire would also

negate having to source electricity through the grid, in turn providing a real prospect of making the Hydrogen Hub viable. The preferred site for the Hydrogen Hub would be at the Stratford Road depot. The proposed solar farm at Sherbourne plans to connect their solar generation to the grid at Tournament Fields by running a wire under the A46, over the M40 and along Stratford Road, i.e., directly past the depot.

At the present time, while the above is actively being pursued by the District Council, there is not yet any certainty regarding timescales or the likely delivery of the Hydrogen Hub. Accordingly, while this is a material consideration, Officers can attribute it no weight in the overall planning balance unless and until there is greater certainty surrounding its delivery. While this would represent a significant benefit in the event the Hydrogen Hub were brought forward in this location, the acceptability of the proposed solar farm, having regard to its very special circumstances and other benefits, should therefore stand on its own with no reliance on this particular consideration.

### **PLANNING BALANCE AND CONCLUSION**

The principle of development is considered acceptable having regard to the provisions of Policy CC2 of the Local Plan, together with the relevant provisions of the NPPF and other Government publications surrounding the need to promote renewable energy proposals. Conversely, the proposed development constitutes inappropriate development in the Green Belt having regard to Section 13 of the NPPF and the demonstration by the applicant of very special circumstances is therefore necessary to justify the development.

The Green Belt assessment in this particular case has been made in light of the purposes of including land within the Green Belt, the impacts of the proposals on each of those purposes and the extent to which the development is considered to harm the openness of the Green Belt in both spatial and visual terms. It is considered there would be some conflict with one of the five purposes which seeks to safeguard the countryside against encroachment. There would be some impact on openness in spatial terms by reason of developing areas of agricultural fields which are currently undeveloped, although the impact on openness in visual terms is considered to be neutral. Overall, the impact to the Green Belt caused by reason of inappropriateness, together with the impact on openness in spatial terms must be afforded substantial weight.

Acknowledging this harm, an assessment has then been made of all other impacts likely to arise from the development in the context of relevant material planning considerations. The impacts on both the landscape character and the associated visual impacts are broadly considered to be not significant having regard to the landform, landscape character appraisals and proposed mitigation measures. With no objection from the Landscape Officer and subject to appropriate conditions as recommended, there is considered to be no harm sufficient to justify a refusal of permission in this regard.

There would be significant benefits to biodiversity as well as other economic and environmental benefits, which both attract substantial weight in favour of the proposal. Other potential benefits include improved soil health and the

diversification of a farming business, which attract limited weight in favour of the scheme.

Of the other matters identified, including heritage assets, archaeology, highway safety, amenity, drainage and air quality impacts, these either result in no material harm or raise technical matters that could be adequately addressed through the imposition of appropriate conditions. As such they neither weigh for nor against the proposal.

The benefits of renewable energy raise substantial benefits in favour of the proposal. The development would provide power for around 7,560 average homes, resulting in a saving of approximately 13,117 tonnes of CO<sub>2</sub> annually. The benefits associated with renewable energy generation are recognised at the national and local level and the planning system has an important role in facilitating the delivery of renewable technologies to help tackle climate change.

The policy support for renewable energy and associated development given in the NPPF is caveated by the need for the impacts to be acceptable, or capable of being made so. The Local Plan also recognises that the need for green energy does not automatically override environmental protections.

The main issue is whether the benefits of the development, particularly those arising from the provision of renewable energy, are sufficient to clearly outweigh the harm to the Green Belt and any other harm. If so, this would constitute very special circumstances to justify the proposed development.

Officers conclude, in this particular case, that the provision of renewable energy does clearly outweigh the harm to the Green Belt by reason of inappropriateness, the harm to the spatial qualities of the Green Belt in this location and the degree of conflict found with one of the five purposes of including land within Green Belt (encroachment). In reaching this view, Officers have had regard to the complete absence of any other demonstrable harm having been identified, in particular with regard to the comprehensive assessment undertaken on the landscape, both in character and visual terms, where any negligible impacts can be easily and satisfactorily mitigated through the proposed landscape mitigation measures.

The harm caused by reason of inappropriateness is not considered, on its own, to equate to an automatic recommendation of refusal and should be carefully balanced against all the other benefits identified that would result from this particular development proposal. This needs to be further balanced against the submission of very special circumstances as presented by the applicant as well as considering any other harm that may result from the proposal and the extent to which such harm carries weight in the decision-making process. The recommendation put forward in this case, should by no means be construed as setting a precedent for any future application which might propose a development similar in scale and nature.

Taking all of the above into account it is Officers' view that the development be recommended for approval subject to the conditions listed at the end of this report.



## **CONDITIONS**

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

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings:

SF-GM101 Rev.A; SF-GM102 Rev.A; SF-GM103 Rev.A; SF-GM104 Rev.A; SF-GM105 Rev.A; SF-GM106 Rev.A; SF-GM108 Rev.A; SF-GM200 Rev.E; SF-GM210 Rev.E; SF-GM220 Rev.D; SF-GM230 Rev.D; SF-GM240 Rev.D; SF-GM250 Rev.D; SF-GM260 Rev.D and SF-GM270 Rev.D and specification contained therein, submitted on 03 February 2023;

SF-GM100 Rev.L and specification contained therein, submitted on 23 June 2023;

P23-0027\_EN\_06 (Sheet 1) Rev.A and P23-0027\_EN\_06 (Sheet 2) Rev.A and specification contained therein, submitted on 18 July 2023;

SF-GM010 Rev.H; SF-GM011 Rev.B and SF-GM107 Rev.B and specification contained therein, submitted on 02 August 2023.

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

3 Upon commencement of development, the developer shall submit a Notice of Commencement to the Local Planning Authority, stating the date on which construction/ installation work began. That Notice may be served in advance or retrospectively, but no later than one month from the date of commencement.

Within one month of First Commercial Export of electricity from the site, the developer shall submit to the Local Planning Authority a Notice of First Export, stating the date on which the First Commercial Export of electricity commenced.

The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the National Grid. At the end of this 40-year period, the development shall be removed, and the land restored to its previous agricultural use in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority, in accordance with condition 21.

**Reason:** To secure that the identified adverse impacts on Green Belt, rural landscape character and visual amenity from the development only exists for the lifetime of the development in accordance with

policies to Policy BE1, CC2, DS18 and NE4 of the Warwick Local Plan 2011 – 2029 and NPPF.

- 4 Prior to the commencement of the development hereby approved (including all preparatory work), an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP), together referred to as the scheme of protection, for the protection of the trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. The scheme of protection must be prepared in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations (referred to here as BS 5837) and shall refer to a retained tree's root protection area (RPA as defined in BS 5837) and to any work that may affect a retained tree above-ground. Specific issues to be considered in the scheme of protection shall include how to control:
- the impact that the installation of services/utilities/drainage may have, and
  - the impact that construction may have (if appropriate)
- The scheme of protection should make recommendations for:
- a) tree pruning to allow the development to proceed (if appropriate)
  - b) hedge and tree protection, to be shown on the TPP with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection
  - c) the specification for the installation of any below ground services/ utilities/drainage connections or the like that encroach over the RPAs of the retained trees
  - d) the specification for the construction of any access, driveway, parking area or the like that encroach over the RPAs of the retained trees
  - e) site setup, including (but not limited to) site access, parking, on-site welfare facilities, temporary buildings, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing, including suitable control measures to protect the retained trees from harm from those facilities or activities
  - f) a site monitoring protocol that will confirm by independent examination by a suitably qualified tree specialist that the agreed scheme of protection is in place.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

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

- 5 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (LPA). In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected or notable species and retained habitats and appropriate working practices

and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- Details of planting and maintenance of all new planting;
  - Details of species used and sourcing of plants;
  - Details of habitat enhancement/creation measures and long-term 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);
  - Details on the long-term management and maintenance of hedgerows, particularly along Public Footpath 262/W94a/1, where the hedgerow should be kept at a height that will facilitate continued views out and towards Warwick Castle and St Mary's Church; and
  - Details on the long-term management and maintenance of the proposed scrub planting along the corridor of Public Footpath 262/W94/2.

Such approved measures shall thereafter be implemented in full.

**Reason:** To ensure a net biodiversity gain in accordance with NPPF and in the interests of visual amenity having regard to Policies BE1, NE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 7 Notwithstanding the information contained within the application, the development hereby permitted shall not commence unless and until a Landscaping Scheme containing details of both hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:
- The treatment proposed for all ground surfaces, including hard surfaced areas;
  - Existing trees, hedges or other soft features to be retained;
  - All existing trees, hedges and other landscape features, indicating clearly any to be removed;
  - Planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees;
  - Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
  - Compliance with the biodiversity net gain metric;

- The continuation of unobstructed movement of species within the site;
- Finished levels or contours within any landscaped areas;
- Any structures to be erected or constructed within any landscaped areas means of enclosure; and
- Functional services above and below ground within landscaped areas;

The works shall be carried out as approved prior to the first exportation to the National Grid, or in the first available planting season following such exportation and retained and maintained in accordance with the agreed lifetime of the development.

Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

**Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area, to integrate it into the landscape and surrounding area, and reinforce local landscape character in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 8 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- a) Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
  - b) Provide detailed drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
  - c) Provide any updated calculations demonstrating the performance of the proposed system. This should include:
    - Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals

- d) Provide plans supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
- Demonstrate how runoff will be directed through the development without exposing 3rd parties to flood risk
  - Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

9 No development shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

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

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

10 No works of construction shall be undertaken until an access for vehicles has been provided to the site in accordance with Drawing Number P23-0027 SK01 dated 22nd May 2023 and embedded within the Construction Traffic Management Plan (CTMP) (Pegasus Ref: P23-0027 TR02/A) and dated June 2023, including the provision of visibility splays where indicated. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6m above the level of the public highway carriageway. **Reason:** In the

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

- 11 Prior to their installation, full details of the final design and materials to be used for the energy storage units shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and thereafter permanently maintained in the agreed form unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In order to minimise the visual impact of the development and to secure an appropriate visual and satisfactory external appearance in this rural location in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029 and the NPPF.

- 12 No external lighting, including lighting required for construction and decommissioning, shall be installed at the site until such time as a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the approved strategy and shall be maintained thereafter in accordance with the approved details. No additional external lighting shall be installed without prior written consent from the Local Planning Authority.

**Reason:** In order to minimise the visual impact of the development in this rural location and to safeguard the nature conservation value of the site in accordance with Policy BE1 and NE2 of the Warwick District Local Plan 2011-2029 and the NPPF (2021).

- 13 The access to the site for vehicles shall not be used in connection with the construction of the development hereby permitted until it has been surfaced with a bound macadam material for a distance of 20m as measured from the near edge of the public highway carriageway.

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

- 14 The access to the site for vehicles shall not be used in connection with the development hereby permitted until permanent road signage has been provided which is to include warning signs located along Hampton Road (B4463) to clearly show that no right turns will be permitted into the access, together with additional route information on both the A46 and A4189 approaches to the site to re-enforce this restriction.

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

- 15 No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should:

1. Provide the name of the party responsible, including contact name, address, email address and phone number.
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the lifetime of the development.

4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

**Reason:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

16 No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Drainage Strategy Drawing (P23-0027-PEG-XX-XX-DR-C20000\_P3 Rev P3) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects.

**Reason:** To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

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

18 The development hereby permitted shall be carried out strictly in accordance with the Construction Traffic Management Plan (CTMP) (Pegasus Ref: P23-0027 TR02/A) and dated June 2023, noting that the Site Manager must strictly manage the arrival and departure of HGVs, with the site construction compound(s) used to ensure that departing HGVs are held within the site should another HGV be arriving. **Reason:** In the interests of highway safety and to ensure the safe operation of the A46 trunk road as well as in the interests of the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

19 The development hereby permitted shall be carried out strictly in accordance with the mitigation proposals as set out in the Glint & Glare Assessment report and its addendum(s) produced by Neo Environmental Ltd and dated 30th November 2022. Once implemented the mitigation measures shall be retained thereafter and shall not be removed or altered in any way without the prior written approval of the

Local Planning Authority. **Reason:** To reduce the potential incidence of glint and glare on road and residential receptors in the interests of amenity and highway safety and in accordance with Policies BE3 and TR1 of the Warwick District Local Plan Review 2011-2029.

20 No works of decommissioning of the proposal shall be undertaken until a Decommissioning Traffic Management Plan has been submitted to and approved by both the Planning and Highway Authorities. The plan shall contain details of:

- HGV routing.
- Temporary warning signage to be implemented on the approaches to the highway accesses to the site.
- Measures to prevent mud and debris on the public highway.
- Suitable areas for the parking of contractors and visitors and the loading and storage of materials.

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

21 If the solar farm ceases to export electricity to the grid for a continuous period of twelve months, the applicant/developer shall notify the Local Planning Authority in writing within 10 working days of the end of that twelve month period and a scheme shall be submitted to the Local Planning Authority for its written approval within three months from the end of the twelve-month period for the removal of the solar farm and associated equipment and the restoration of the site to agricultural use. The details shall include the following:

- a) a programme of works;
- b) a method statement for the decommissioning, dismantling and removal of the solar farm and all associated above ground works/surfacing and foundations below ground;
- c) details of any items to be retained on site;
- d) a method statement for restoring the land to agriculture;
- e) timescale for the decommissioning, removal and reinstatement of the land;
- f) a method statement for the disposal/recycling of redundant equipment/structures and any associated infrastructure.

The approved scheme of restoration shall then be fully implemented within nine months of the written approval being given.

**Reason:** To protect and restore the visual amenity and character in this rural location and Green Belt, to ensure that no environmental harm is caused during decommissioning and ecological value of the countryside in accordance with policies DS18, BE1, NE2 and NE3 of the Warwick District Local Plan 2011-2029 and the NPPF.

22 No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by this solar PV park, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing



by the Local Planning Authority. The scheme of works shall include the following:

- a) a programme of works;
- b) a method statement for the decommissioning and dismantling of all equipment and surfacing on site;
- c) details of any items to be retained on site;
- d) a method statement for restoring the land to agriculture;
- e) timescale for the decommissioning, removal and reinstatement of the land;
- f) a method statement for the disposal/recycling of redundant equipment/structures.

The scheme of works shall be undertaken in accordance with the approved details and timescales. The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity generation.

**Reason:** In the interests of the visual amenity of the site, to ensure that no environmental harm is caused during decommissioning, and to protect and restore the visual amenity and character and ecological value of the countryside and Green Belt in accordance with policies DS18, BE1, NE2 and NE3 of the Warwick District Local Plan 2011-2029 and the NPPF.

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**Planning Committee:** 15 August 2023

**Item Number: 5**

**Application No:** [W 23 / 0195](#)

**Town/Parish Council:** Burton Green  
**Case Officer:** Lucy Hammond

**Registration Date:** 09/02/23  
**Expiry Date:** 20/04/23

01926 456534 lucy.hammond@warwickdc.gov.uk

**Land at Gibbet Hill Road and Westwood Heath Road, Coventry.**

Outline application (with all matters reserved) for the creation of University of Warwick Social Sciences Quarter (Use Class F.1(a)) through the provision of up to 32,000 sq.m. of floor space together with all associated works and infrastructure. FOR University of Warwick

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This application is being presented to Planning Committee due to the number of objections received and also because it is recommended that planning permission be granted subject to the completion of a legal agreement.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in this report.

Planning Committee are also recommended to delegate authority to the Head of Place, Arts & Economy in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums are agreed by the relevant consultee and meet the relevant statutory test together with necessary alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within four months of the date of Committee or, in the opinion of Officers, insufficient progress has been made within this period to warrant the agreement of additional time to complete the Agreement, Planning Committee are recommended to delegate authority to the Head of Place, Arts & Economy to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

This is an outline planning application with all matters reserved for subsequent approval which seeks approval for the creation of the University of Warwick Social Sciences Quarter (Use Class F.1(a)) through the provision of up to 32,000 sq.m. (maximum) of floor space together with all associated works and infrastructure.

At this point in time no indicative drawings of either a site layout or the building(s) themselves have been presented for consideration so it is unknown whether or

not the new Social Sciences Quarter would comprise one single building or a series of buildings which cumulatively make up the proposed maximum amount of floor space. The submitted Parameters Plan however indicates that part of the site would accommodate built form of up to four storeys or a maximum ridge height of 18.5 metres, while the remaining part of the site would accommodate built form up to seven storeys or a maximum ridge height of 30 metres. The heights denoted on the Parameters Plan do not include any necessary plant or equipment which may be located on the rooftop(s) of the building(s). The Parameters Plan clearly denotes a no development zone around the perimeter of the application site, in which it is proposed to have no built development. These areas of the site would be reserved for landscaping and/or ecological enhancements and are intended to be left open, reflecting the edge of campus location of the site.

Details of access are not included with this outline submission and are reserved for subsequent approval, together with matters of appearance, landscaping, layout and scale. Outline permission is therefore sought to establish a suitable development framework for the University's new Social Sciences Quarter for the Faculty of Social Sciences, which proposes a maximum overall quantum of development of up to 32,000sq.m. of education floor space (GIA).

## **THE SITE AND ITS LOCATION**

The main campus of the University of Warwick (UoW) straddles the administrative boundary between Warwick District Council and Coventry City Council and extends to 189 hectares in total. The application site on which the new Social Sciences Quarter is proposed falls entirely on the Warwick side of the administrative boundary and is presently undeveloped land.

The site is bound on the northern side by Westwood Heath Road and on the eastern side by Gibbet Hill Road which is the primary road running north to south through the UoW's campus. To the south is the Scarman Conference Centre and carpark and immediately to the west is a builder's yard (accessed off Westwood Heath Road).

Within a wider radius of the site, particularly to the north-east, east, south and south-west there are a range of university buildings, associated car parks and purpose-built student accommodation. Further west, along Westwood Heath Road, there are residential properties, the nearest of which are approximately 250 metres away from the closest point of the application site. There is also the Grade II listed St John's Church, located approximately 100 metres from the closest part of the western site boundary.

The site is an open area of land, and while it is understood to have been used informally for recreational purposes by students, is not designated in any formal capacity as an 'open space' or 'sport and recreation facility'. It is therefore simply an undeveloped parcel of land within the UoW's ownership. It is further noted that there is a piece of public art within the southern portion of the site which is proposed to be re-located to another site within the campus as part of these proposals.

No part of the site is within the West Midlands Green Belt and there are no other relevant planning constraints or landscape designations.

## **PLANNING HISTORY**

There is extensive planning history at the UoW, much of which is not relevant to this application site or area of the campus. That which is relevant to the consideration of this outline application, including an earlier permission granted on the Coventry side of the administrative boundary, is summarised below for the purposes of providing the context to this application.

### **Relevant background and planning context**

In 2009, the UoW Masterplan was granted outline permission by both Warwick District and Coventry City Councils and this had a life of ten years. The permission and its accompanying S.106 Agreement made provision across the campus for:

- 171,000 sq.m. of additional floor space
- A maximum of 5,422 car parking spaces across the campus
- 'Development Zones' with specific use, floorspace and height limits
- A Travel Plan to encourage more sustainable forms of transport and to limit car trips

The proposals covered by the Masterplan were largely built out, but the 2009 Masterplan permission has now lapsed.

The Capital Plan hybrid application (CPH) was approved in 2019 by Coventry City Council as all projects were located entirely within Coventry's administrative boundary. The CPH application proposed c.60,000 sq.m. of new academic floorspace. Of this, c.40,500 sq.m. has been built leaving c.19,500 sq.m. which has not been developed. Up to 1,000 additional car parking spaces were approved which have been delivered.

With regard to the application site edged red, there is no planning history.

Work is currently underway on the UoW's new Masterplan which is intended to provide a framework for the preparation of the UoW's development to 2031, to approve the level and broad location of growth on campus and agree mitigation such as transport and biodiversity through a Framework S.106 which will apply to future applications. It is anticipated this would take the form of a Supplementary Planning Document (SPD) likely to cover a 10-15 year period which would be reviewed and will cover the whole campus landholding i.e. both Warwick and Coventry's administrative areas. At this present time, there is no draft of the SPD and no confirmed date by which one is likely to be submitted for consultation.

The absence of a current Masterplan is not a reason to delay the consideration of development proposals at the UoW, nor is it premature of the UoW to make an application for a particular proposal ahead of a new Masterplan being approved. This particular point is covered in more detail within the principle of development section below.

## **RELEVANT POLICIES**

- National Planning Policy Framework

## Warwick District Local Plan 2011-2029

- DS5 - Presumption in Favour of Sustainable Development
- PC0 - Prosperous Communities
- MS1 - University of Warwick
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS2 - Protecting Open Space, Sport and Recreation Facilities
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

## Guidance Documents

- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Coventry City Council - Tall Buildings Design Guide & Three Spires View Management Framework SPD (Dec 2022)

[Officer note - while this is a Coventry City Council SPD and the application site falls entirely within the administrative boundary of Warwick, it is relevant insofar as the site is adjacent the boundary with CCC and accordingly any development should still take into account the impact on views from neighbouring residential areas.]

## **SUMMARY OF REPRESENTATIONS**

**Burton Green Parish Council:** provided the following comments -

- the greenfield site currently acts as a natural green break between the University buildings and Westwood Heath; some of this natural landscaping should be preserved as a visible differential between the University and its surroundings;
- the existing established hedgerow should be retained for ecological as well as visual amenity reasons; and
- the site is known to become water logged at times of increased rainfall

**Tree Officer:** No objections subject to condition

**Coventry City Council:** No objection subject to the retention of the no development zone remaining as landscaping; potential concern regarding the extent of hardstanding

**Health & Community Protection - Environmental Sustainability:** No objection subject to conditions and a legal agreement prohibiting the re-use of the existing Social Sciences building without permission from the LPA

**LLFA:** No objection subject to conditions

**WCC Landscape:** No objection in principle subject to the submission of a Landscape and Visual Appraisal (LVA). Following receipt of the LVA some concern remains regarding the proposed heights, scale and massing of buildings but it is acknowledged that this can be dealt with through the submission of further necessary information secured by condition which would need to be submitted for approval prior to the submission of Reserved Matters. It is also acknowledged that the final design and layout together with detailed landscaping proposals will form part of the assessment during the Reserved Matters stage.

**WCC Ecology:** No objection subject to conditions

**Warwickshire Fire & Rescue:** No objection subject to condition

**WCC Archaeology:** No objection subject to condition

**WDC Conservation:** Indicative proposals suggest there could be some impact on the setting of the Grade II listed church to the west amounting to less than substantial harm; detailed contextualised visuals together with additional justification for the proposed scale and massing together with setting out what the public benefits are will be necessary in any forthcoming reserved matters application(s).

**WCC Highways:** No objection subject to S.106 obligations in relation to cycling and pedestrian improvements as well as a financial contribution towards buss passenger environments in Leamington Spa (transport hub)

### **Public Response:**

10 objections received raising the following material planning considerations:-

- Impact on traffic and additional congestion
- Development will impact on the character of the area
- Siting is too close to the roundabout
- Increase in noise
- Harm to the Green Belt [Officer clarification - the site is not in the Green Belt]
- The land is a local sport utility for a number of schools
- Loss of biodiversity and impact on ecology
- Proposed height would be out of keeping
- Impact on flooding and drainage concerns
- How does this fit in with the new Masterplan to 2030?

Other non-material planning considerations were also raised, including, but not limited to:-

- Existing unused buildings should be re-purposed
- Land is potentially a route for the bypass (least objectionable option to residents) and this will become unviable should the development go ahead
- What happens to the existing use of the land?
- What happens to existing buildings which become vacated?
- Refurbishing vacant buildings would be more sustainable
- Poor communication with the local community
- Reference made to other developments which have been refused planning permission in the past
- The application should not have been made before the Masterplan is finalised

1 support comment stating the following:

- The development will have a positive impact on the local economy and employment

## **ASSESSMENT**

The main issues relevant to the consideration of this application are as follows:-

- Principle of development;
- Visual impact / character of area, including impact on landscape;
- Impact on heritage assets;
- Impact on neighbouring/residential amenity;
- Highway safety, access and parking;
- Impact on ecology;
- Drainage;
- S.106 obligations; and
- Any other relevant considerations.

### Principle of development

Policy MS1 of the Warwick District Local Plan 2011-2029 states that development at the University will be permitted in line with an approved Masterplan or Development Brief as agreed with the relevant local planning authorities. The Masterplan should set out how proposals will contribute to the University delivering a world-class educational campus including the range of uses associated with that. It will provide the framework within which further planning applications will be determined. As such the Masterplan should:

- a) Identify the physical and economic context;
- b) Identify the development principles to underpin future development proposals;
- c) Identify the location of developments, demonstrating how proposals will mitigate any potential adverse impacts; and
- d) Identify how the proposals support the vitality of the local and/or sub-regional economy.

The explanatory text to the policy acknowledges, at 3.142, the important role of the University of Warwick (UoW) in the local economy and as an institution of Higher Education of international importance and notes that the majority of development to date (since it was founded in 1965) has been on the Coventry side

of the boundary. It also refers to the 2009 Masterplan and the intention for this to be updated during the plan period. The removal of the majority of the campus from the Green Belt is noted at 3.143, which recognises the need for the UoW to be able to grow within its existing boundaries.

Perhaps most importantly is 3.144 which states that in the event other development proposals for the site not included in the masterplan be put forward, these will be considered in light of points (a) to (d) in Policy MS1 as well as other relevant policies within the Local Plan.

With this in mind, it follows that in the absence of an up to date Masterplan, it is not inappropriate to consider any development proposal put forward in light of the aforementioned points (a) to (d).

Having regard to points (a) to (d) it is worth noting that the UoW has become one of Britain's leading universities and is top-rated for the high quality of its teaching and research as well as for its campus. It has also forged strong links with business, the region and with local communities. At present it accommodates over 22,000 students and has over 6,500 staff. A study demonstrated that it generated c. £1.15bn GVA in the region and additionally, significant resources were part of the UoW's local volunteering network, dedicated to local schools and community groups. Of its three faculties, the Faculty of Social Sciences comprises ten departments which include the Business School, which is consistently recognised as a world leading research institution in business and management.

The Faculty of Social Sciences is therefore critical to the UoW's success together with the impact it has on Coventry and Warwickshire. It currently has 12,376 full-time equivalent students and 1,100 members of staff. At the present time, the Faculty is experiencing a lack of purpose built space and operates from a number of departments spread around the campus resulting in a disjointed faculty and inefficient use of existing buildings on campus. To that end, it is the UoW's plan to build on the success of the Faculty by creating a Social Sciences Quarter to enable all departments to be in the same location for the first time in a more modern and fit for purpose facility. In turn it is anticipated this will ensure the Faculty can continue to perform as a world leading faculty.

In considering the location for the new Social Sciences Quarter regard has been had to the site's location within the campus, its proximity to the existing Social Science buildings and established Business School together with its position on a gateway into the campus. The site would provide the new Social Sciences Quarter at the heart of the campus, close to public transport routes and on campus facilities. Given this seeks outline permission only at this stage, details of the precise design and layout will follow at a later stage, but the proposed scale and massing set out within the Parameters Plan (which is considered in further detail below in the relevant section of this report) seeks to support the expansion of the university campus and reflect the status and importance of the Faculty of Social Sciences. The scale and massing seeks to provide a marker into the university campus and also a new 'front door' to the Faculty.

The UoW state that the creation of a new Social Sciences Quarter is the next phase of the University's strategy for the campus looking ahead to 2030. Pre-pandemic, the CPH permission enabled the development of a new Faculty of Arts building



close to the Arts Centre and the Interdisciplinary Biomedical Research building at the Gibbet Hill campus. As stated earlier, the University is undertaking a review and refresh of its Masterplan to 2030 and will be seeking approval in due course. The new Social Sciences Quarter is located within the campus boundary; successive Local Plan policies have recognised the importance of the UoW to the region and encouraged growth and development associated with its principal academic and research functions. Amongst many of the benefits already alluded to here, the creation of the new Social Sciences Quarter would create both direct and indirect jobs not only associated with the construction of the proposed development, but also the expenditure of students and visitors once complete.

In this case, in addition to all of the above and in the absence of an updated Masterplan, regard is also had to the fact that the floor space proposed in this application is residual floor space from the earlier approved CPH (Coventry) permission and it is therefore considered overall that the principle of development is deemed acceptable in accordance with Policy MS1.

While not strictly relevant to the principle of development because the site has no formal designation, Officers have noted the number of third party comments received which refer to the 'loss' of the existing site for recreational purposes. Policy HS2 of the Local Plan ('Protecting Open Space, Sport and Recreation Facilities') is not relevant to the principle of development because this is concerned with the development on, or change of use of formal open spaces and/or sport and recreation facilities. As set out within the description of the site and surroundings section above, the site has no formal designation as such. While it may have historically been used by students, on an informal basis for leisure purposes, in planning terms, the site is simply an undeveloped grass field and there is not considered to be any 'loss' of an open space or sport facility that needs to be assessed against HS2.

Overall, the principle of development is considered to be acceptable subject to an assessment being made of the other relevant material planning considerations which are set out below.

#### Visual impact / character of area, including impact on landscape

Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design while Policy NE4 requires new development to positively contribute to landscape character.

This is an outline application with all matters reserved for subsequent approval. The final design and layout of the building(s) is therefore not yet known and at this stage only a Parameters Plan has been provided showing the overall quantum of development within the site in terms of the maximum amount of floor space proposed, together with an indication of where, within the site, no built development is proposed while, in other areas of the site, buildings up to a maximum ridge height and storey height is shown.

A Landscape and Visual Appraisal (LVA) has been submitted with the application which assesses the effect of the proposed development on the landscape and visual receptors of the site and its surroundings. The LVA identifies that the site does not fall within any landscape designations and notes the removal of the

campus from the Green Belt in 2017 (when the Local Plan was adopted). The baseline visual assessment confirms the key views and visual receptors in the area. The assessment of effects was informed by the Parameters Plan and verified wireframe visualisations prepared for the representative views. These images demonstrate a 'worst case scenario' of the maximum extent of the development zone across the site.

Mitigation measures are considered which should be incorporated into the detailed design of the scheme. These reflect the principles relating to design quality which are set out within the Design & Access Statement however it is noted that the details design of the proposals, including its scale, layout and appearance will be determined through future Reserved Matters applications. From a principal point of view however and in considering whether or not the proposed development could be acceptable in landscape and visual terms consideration has been given to the proposed mitigation measures which are summarised below:

- Built form should be setback from the northwest corner of the Site where the parameter plan shows the development block with a sharp corner. The illustrative options all provide wider offsets which would reduce the visibility of the scheme on approach on Westwood Heath Road from the west and in views towards St John the Baptist Church.
- Additional tree planting should be provided to the northwest corner of the Site in order to reinforce the containment and separation of the Proposed Development from St John the Baptist Church.
- The height of built form should not be uniform across the two areas of the Site. Greater variety should be provided at roof level to break down the massing of built form in views.
- It is recommended that an intermediary level between the maximum building heights of +30m and +18.5m is incorporated towards the centre of the Site to create a stepped profile that manages the transition towards the edge of the campus. This would also reduce the visibility of taller elements in views towards St John the Baptist Church.
- Built form should be setback from the Westwood Heath Road / Gibbet Hill Road and Gibbet Hill Road / Scarman Road / Lord Bhattacharya Way roundabouts. The illustrative options all provide wider offsets which would reduce the prominence of built form in views approaching the Site from the north and south with greater containment provided by retained trees.

The site is in a transition zone between the university campus and the wider Arden Parklands landscape. There are several key landscape features present which are characteristic of the local landscape type, including the roadside hedgerows and mature oak hedge trees as well as an Oak on the south-west boundary. The field, boundary trees and hedgerows visually link to the wider landscape. It is considered important that the existing boundary trees and hedgerows which form key structural elements in the landscape should be retained where possible and protected. To that end, a condition is recommended requiring details of tree retention and protection, details of which would be required to be submitted and approved prior to the submission of any subsequent reserved matters application.

The LVA considers the susceptibility of users of public rights of way. The Landscape Officer considers this to be high because their attention or interest is more likely to be focused on the landscape and on particular views. However, the LVA

recognises that the built form would be noticeable in views from the surrounding area. It would be most visible at the Westwood Way / Westwood Heath Road / Kirby Corner Road roundabout, where it would be most prominent.

The LVA concludes with a number of key principles that should be taken forward to the detailed design. The proposed mitigation measures have been set out above but to summarise, the key principles involve setting the development further back from the northwest corner and the edges of the site, providing additional tree planting to the northwest corner of the site and the incorporation of greater variety in the roof profiling including an intermediary level between the +18.5m and +30m elements. Additionally, the massing of the built form would be broken down through the provision of smaller blocks with a greater variety in height at roof level. Any reduction in the overall scale and massing together with stepping it down towards the edge of the campus would help provide greater containment.

The Landscape Officer recognises that the proposal would represent a large structure on the edge of the campus, though also acknowledges that this is an outline application, with all matters reserved for subsequent approval. In light of some final remaining concerns about the possible scale, some final revisions to the Parameters Plan were suggested which have since been undertaken. By way of a summary, these include:

- The 'no development' zone now covers the root protection areas, at the request of the Landscape Officer;
- The 'no development' zone has been extended to a width of 18m (previously 16m) on the Westwood Heath boundary;
- The development zone has been chamfered at the north western corner to remove the hard point and furthermore, it has been pulled back from the site boundaries; and
- The 'no development' zone has been widened from 14m to 27.5m on the northern part of the western boundary.

In addition to the above, having regard to the various mitigation measures set out within the LVA and the design principles that are expected to be carried forward to inform any subsequent reserved matters application, two conditions are recommended to be attached to any forthcoming permission. These will ensure not only that the development is carried out in accordance with the identified mitigation, but in addition, further details considered necessary by the Landscape Officer are to be submitted for approval prior to the submission of any reserved matters application. In light of the revised Parameters Plan and subject also to the suggested conditions, to ensure that future reserved matters are brought forward in line with the specified key principles regarding design, scale and massing, Officers are satisfied that the site can accommodate the proposed quantum of development in a manner which would not detrimentally impact the character of the area and the surrounding landscape setting. In this regard therefore, there are no objections to the principle of development.

In considering the likely visual impacts and impacts on the surrounding landscape, Officers have also had regard to a Supplementary Planning Document adopted by Coventry City Council. The 'Tall Buildings Design Guide and Three Spires View Management Framework' adopted in 2022, is split into two sections; the first

setting out design considerations when dealing with applications for tall buildings<sup>1</sup>, the second specifically considering the notable views of the city's three spires<sup>2</sup> which are considered so important to the city's identity, any further tall buildings should be carefully and respectfully designed to ensure the spires retain their prominent position on the city's skyline.

In recognising this as a Coventry policy document which therefore does not make up part of Warwick's Development Plan, Officers still consider it to be of some relevance in this particular case given the application site lies on the Warwick/Coventry boundary. That being said it is also recognised that the SPD's main focus is on tall buildings in the city centre itself and the application site on the edge of the university campus is some 4km (as the crow flies) to the edge of the city centre.

Although an outline application, the Parameters Plan states that the tallest part of the new Social Sciences Quarter would be no more than 7 storeys with a maximum ridge height of 30m. This assumes a worst case scenario of 4.5m storey heights which, at the subsequent detailed stage, may be less. Officers consider that although this would potentially result in a tall building in this location, the difference in height over and above the definitions in the Coventry SPD together with the distance between the site and the city centre and its important spire views result in a development which would not be deemed visually harmful or unacceptable when considered against the SPD.

Taking all of the above into account and together with the comments made by the Landscape Officer as well as the proposed conditions regarding future reserved matters applications and limits on the maximum scale of development, Officers are satisfied that the site is capable of accommodating the proposed quantum of development, i.e. up to 32,000 sq.m. of floor space. The development is therefore considered to comply with Policies BE1 and NE4.

#### Impact on heritage assets

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Policy HE1 of the Local Plan expects development proposals to have appropriate regard to the significance of designated heritage assets. Where any potential harm

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<sup>1</sup> 'Tall buildings' are defined as any building which is 6 storeys or more; or any building of 20m in height or more (inclusive of rooftop plant)

<sup>2</sup> St Michaels Cathedral Spire, Holy Trinity Spire and Christchurch Spire

may be caused, the degree of harm must be weighed against any public benefits of the proposal.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

St Johns Church, a Grade II listed building, lies approximately 100m to the west of the application site. The key intervening feature between the two is a builders yard which is adjacent the western boundary of the application site. Though there is already natural screening present, which would be supplemented by additional tree planting and other landscaping in future reserved matters applications, a development of up to 7 storeys would result in some impact on the setting of the Grade II listed church. Contextualised visuals looking east from the listed church towards the application site have been provided as part of the wider LVA which considers the visual impacts from all important viewpoints surrounding the site. Consequently, it is noted that the level of harm to the setting of the designated heritage asset is likely to amount to less than substantial and any forthcoming reserved matters application would be expected to provide a strong justification to support a development of the proposed height and scale.

Notwithstanding the level of detail that will be expected at the detailed design and layout stage to justify any harm to the setting of the heritage asset, the Planning and Heritage Statements submitted at this outline stage summarise the public benefits and these are fully recognised. Such benefits include (but may not be limited to):

- A significant investment by the UoW to develop a new, modern and innovative Social Sciences Quarter which will replace a number of outdated existing buildings on campus to serve new and existing students, staff and visitors, for years to come and stimulate further student interest and investment in the University;
- The creation of further direct and indirect jobs associated with construction of the proposed development and expenditure of residents once complete;
- The creation of improved and well-managed public realm within the site, contributing to a network of high-quality public spaces across campus, and improved connectivity and permeability through and around the site;
- The retention, enhancement and creation of existing and new habitats and ecological features where possible; and
- The inclusion of sustainable initiatives including sustainable drainage systems, with the intention to supplement these initiatives at the future detailed design stage.

Based on the level of information provided at this stage, and subject to the provision of further justification and appropriate scale, massing and design at the reserved matters applications, it is considered that the less than substantial harm identified would be outweighed by the public benefits set out above. As such, there is no objection to the principle of development and Officers are of the view that the site can accommodate a form of development which is considered acceptable

in heritage terms. As such the development is considered to accord with Policy HE1.

In making this assessment, Officers have had regard to the weight that should be given to the desirability of preserving the special interest and setting of the heritage assets.

#### Impact on archaeology

Policy HE4 of the Warwick District Local Plan states that development will not be permitted that results in substantial harm to archaeological remains of national importance, and their settings unless in wholly exceptional circumstances. The Council will require that any remains of archaeological value are properly evaluated prior to the determination of the planning application.

A desk-based assessment was submitted with the application. Initially the County Archaeologist requested some further archaeological evaluation, in the form of geophysical survey work as well as trial trenching. A geophysical survey report was subsequently submitted which did not conclusively identify evidence for significant archaeological activity within the site, though it did identify some anomalies which cannot be ruled out.

On further review of the supporting information, the County Archaeologist confirmed it would be acceptable to condition a programme of archaeological works to be undertaken, to include trial trenching, and that this should be undertaken and submitted for approval prior to the submission of any reserved matters application.

Subject to the above condition being attached to any forthcoming permission, the development is considered acceptable in this regard and therefore accords with Policy HE4.

#### Impact on neighbouring / residential amenity

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. At the same time, the policy also requires development to provide acceptable standards of amenity for all future users and occupiers of the development.

Since this is an outline application, no details are yet known about the final building heights, siting and position of the development but the Parameters Plan does indicate where on the site maximum scales of development would be broadly positioned. The closest residential properties are located approximately 250m to the west of the application site in Broadwells Crescent and along Westwood Heath Road. While it is acknowledged the new development would be visible from these properties, the distance separation is such that there would be no material harm arising from a loss of light, outlook or privacy. Officers are therefore of the view that the site can accommodate the proposed development without causing detriment to the amenities of the nearest neighbouring residents.

The development is therefore considered acceptable in this regard and as such accords with Policy BE3.

### Highway safety, access and parking

Policy TR1 requires development to provide safe, suitable and attractive access routes for all road users; including drivers of motor vehicles as well as cyclists, pedestrians and public transport users. Policy TR3 requires development to make provision for parking which has regard to the location and accessibility of the site by means other than the private car, does not result in on-street car parking detrimental to highway safety and takes account of the parking needs of all users. Moreover, development will be expected to comply with the parking stands set out in the most recent Parking SPD.

Since this is an outline application with all matters reserved, including access, no access to the site is shown on the Parameters Plan and access and proposed amounts of parking is not for consideration at this time.

A Transport Statement submitted with the application provides a detailed overview of the strategy for the assessment of trip generation. This also refers to the CPH permission which approved 60,000 sq.m. of new academic floor space, of which 19,500 sq.m. has not yet been developed. 1,000 additional parking spaces were delivered as part of that permission. It has been agreed between the University and both Warwick District and Coventry City Councils that an appropriate approach to take would be to extinguish the residual 19,500 sq.m. of undeveloped floor space and effectively transfer it to any new permission for the proposed Social Sciences Quarter within the Warwick boundary. This would be secured in the S.106 Agreement that has been drafted which would form part of any forthcoming permission for this development.

Together with the aforementioned 19,500 sq.m. residual floor space a further 12,600 sq.m. of floor space within the existing Social Sciences block on campus will either be vacant, repurposed or demolished subject to future planning applications as required. Combined, the residual and vacated floor space provides 32,100 sq.m. of floor space which is, in effect, already consented and this would be released to facilitate the proposed development.

In light of the above, the Transport Statement confirms that the proposed development will not generate additional trips in excess of what is already consented, an approach which has been mutually agreed between the relevant local authorities.

Some illustrative options show vehicle access into the site via the existing Scarman Car Park, to the south suggesting no new access is to be formed off Gibbet Hill Road. Furthermore, no parking is proposed on the site, in line with the UoW's commitment to sustainable modes of travel. The need for any on-site disabled parking will be assessed at the reserved matters stage but anyone else visiting the site by car will be able to park in the existing car parks on campus. Improved pedestrian and cycle connectivity is also proposed through the site, details of which will be assessed at the reserved matters stage.

The County Highway Authority has raised no objection to this application, confirming that the development would have no adverse effect on the highway network. It also confirms that the area in which it is located is subject to previous development proposals which have outstanding S.106 obligations for Coventry

City Council. The new S.106 Agreement that would form part of this permission is therefore intended to continue with these obligations and to include further obligations as identified in the Transport Statement. Those obligations relevant to Warwickshire are to undertake studies for cycling and pedestrian improvements and to provide a sum of £50,000 towards improved bus passenger environments in Leamington Spa. Currently a scheme is being prepared for a Transport Hub in Leamington Spa adjacent to the station towards which this contribution can be paid.

County Highways are therefore satisfied with these contributions as part of this proposal while ongoing discussions continue to secure further contributions as the wider Masterplan comes forward at a later date.

Since the application is made in outline with no details of access at this time there are no recommended conditions from the Highway Authority. Subject to the relevant provisions being captured by the S.106 Agreement the development is considered to result in no detriment to highway safety and there are no objections in this regard.

For the above reasons Officers are satisfied that the development accords with Policies TR1 and TR3.

#### Impact on ecology

Policy NE2 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity. The policy further states the need, where appropriate, for ecological assessments.

Policy NE3 states that new development will be permitted provided that it protects, enhances and/or restores habitat biodiversity. Development proposals will be expected to ensure they lead to no net loss of biodiversity, and where possible, a net gain, where appropriate, by means of an approved ecological assessment of existing site features and development impacts; protect or enhance biodiversity assets and secure their long-term management and maintenance, and avoid negative impacts on existing biodiversity.

Ecological appraisals of the site have been undertaken and reports submitted with this application. Additionally, a Biodiversity Net Gain Assessment has been prepared demonstrating there would be no net loss of biodiversity in accordance with the requirements of Policy NE3 but moreover, that there would be an on-site gain. The UoW states its strong commitment to increasing biodiversity across its landholdings and has an established programme of landscape and planting works across the campus. The increase in biodiversity as a result of this development is therefore considered a key element of the design principles which will guide the details design of buildings on the site through reserved matters applications.

The County Ecologist initially raised some queries in relation to the detailed content of the supporting information provided and sought clarification as well as some additional information. Following receipt of this and further to a meeting



between the applicant and the County Ecologist where earlier points over which there was technical disagreement were resolved and agreed upon, an updated response has been produced, recommending final wording of some bespoke conditions together with a suggested approach to ensuring any mitigation happens both on and off site, the latter being within the campus. This would be secured through the S.106 Agreement.

In addition to the above, a list of other standard recommended conditions have been set out by the County Ecologist appertaining to lighting, bats and nesting birds and any further survey work where necessary, and the details of these are set out within the conditions listed at the end of this report.

Officers are satisfied that the site can accommodate the proposed quantum of development in a manner which will not harm protected species and which will seek to maximise opportunities for a biodiversity net gain. The development is therefore considered to comply with Policies NE2 and NE3.

#### Drainage

The site is entirely within Flood Zone 1 and a Flood Risk Assessment has been considered by the LLFA and updated accordingly during the course of the application. A drainage strategy indicates that proposed new surface water and foul water drainage will be separate systems; the proposed foul water drainage strategy is to utilise traditional pipework to collect and convey flows from the proposed development and discharge to an existing foul water drain adjacent to the south of the site. Connection is proposed to a private university drain so approval would not be required from Severn Trent Water or the LLFA.

The LLFA have however provided commentary on the proposals and sought additional information and clarification in regard to the drainage strategy and their final response is one of no objection subject to a number of recommended conditions which would be attached to any forthcoming outline permission.

Subject to the inclusion of all necessary conditions on the outline permission Officers are satisfied that the site can accommodate the proposed quantum of development without detriment to flooding or drainage and as such it is considered that the proposal accords with Policies FW1 and FW2.

#### S.106 Agreement and obligations

A S.106 Agreement has been drafted to sit alongside any outline permission which may be forthcoming. The proposed development does not, in itself, generate any significant financial contributions to be paid to Warwick District or Warwickshire County, except for the £50k bus service contribution. The primary intention of the S.106 is broadly focussed on ensuring that any outstanding obligations secured as part of the CPH permission are transferred across to this permission. To that end, Coventry City Council are a party to the agreement, in addition to both the District and County Councils.

Along with any relevant financial obligations, the S.106 will secure the relevant provisions in relation to the residual floor space from the CPH permission which to date has remained undeveloped and will now effectively be extinguished in favour of the new Social Sciences Quarter on the Warwick side of the boundary. So too, will the use of the existing business school which is to be vacated be restricted

from

further

occupation.

A summary of the S.106 obligations is set out as follows:

- £50,000 to be applied towards the enhancement of the bus service passenger environment in Leamington Spa;
- £25,000 to be applied towards speed reduction measures on Canon Park Road;
- £200,000 to be applied towards supporting Digital Demand Responsive Transport for two years;
- £50,000 to be applied towards the extension of the low-speed zone on Gibbet Hill Road through Kirby Corner to the junction of Mitchell Avenue with Westwood Way;
- Monitoring fee to be calculated in accordance with the formula set out in the definitions of the S.106;
- The undertaking of a cycling improvement study;
- The undertaking of a pedestrian improvement study;
- Biodiversity offsetting measures to include on site and off site (within the campus) mitigation; and
- The appropriate restrictions on the undeveloped part of the CPH permission and the existing Social Sciences buildings which would be vacated once the new development is operational.

#### Other matters

##### *Adapting to Climate Change/Sustainability Measures*

Policy CC1 seeks all new development to be resilient to and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods. Policy CC3 requires all non-residential development over 1,000 sq.m. to achieve as a minimum BREEAM standard 'Very Good' (or any future national equivalent) unless it can be demonstrated that it is financially unviable or a suitable alternative sustainability strategy is proposed and agreed.

A Sustainable Buildings Statement has been submitted with the application which also confirms that a BREEAM pre-assessment has been undertaken demonstrating how the development will achieve the UoW's minimum requirement of BREEAM 'Excellent' which exceeds the requirement of 'Very Good' set out in Policy CC3.

The significant benefit of providing a new building on the site (when compared to converting existing structures) is that the development would result in significantly improved buildings in terms of sustainable construction methods. To secure the most sustainable form of construction, a condition is proposed to secure a suite of sustainable construction and sustainable energy measures to be secured for the proposed development. In addition to this the requirement for a BREEAM Design Stage Assessment is also to be secured by condition.

Having regard to the above the proposal is considered to accord with Policies CC1 and CC3.

Compliance with Policy FW3 in terms of water efficiency is to be secured by condition.

### *Air Quality Mitigation*

Reference has been made throughout this report to the 19,500 sq.m. of the approved CPH permission which is so far undeveloped, as well as the 12,600 sq.m. of the existing Social Sciences buildings which would be vacated in favour of the new development if approved. Both of these consented forms of development are written into the S.106 Agreement which will stipulate, as necessary, that they will either not be built out or will no longer be occupied. This would effectively result in a net zero/negligible increase of additional vehicle movements above the already consented schemes. To that end, the Environmental Health Officer has confirmed there are no objections to the proposed development providing the aforementioned restrictions are suitably captured in the S.106 Agreement.

Since there is no anticipated increase in vehicle movements as a direct result of this development it is not considered necessary to attach the condition requiring a scheme which satisfies the Air Quality SPD. In the event that the existing buildings (to be vacated) were to be redeveloped, any air quality mitigation measures would be considered at that time.

Officers are satisfied that the development is acceptable in this regard and accords with Policy NE5.

### *Third party comments and non-material considerations*

A number of comments have been received from local residents and third parties which raise numerous points that are not material to the planning merits of this application. These include questioning why existing buildings are not being re-purposed, what happens to any buildings which become vacated, prematurity due to the lack of a Masterplan and reference to other developments which have been refused permission in the past. While the merits of adapting and re-using vacant buildings is noted, the Local Planning Authority has to consider the application presented before it. For the reasons set out above, that proposal is considered to be acceptable and similarly there are merits insofar as sustainability is concerned in creating a new fit for purpose building. The implications on any buildings to be vacated have been considered in this report and are covered by the terms of the S.106 Agreement and concerns regarding the absence of a Masterplan have been addressed through the principle of development section of this report.

### **Summary/Conclusion**

This is an outline planning application, with all matters reserved for subsequent approval, seeking permission for the creation of the University of Warwick's new Social Sciences Quarter through the provision of up to 32,000 sq.m. of new floor space together with all associated infrastructure. No indicative details have been presented at this stage in relation to the possible siting or appearance, but a Parameters Plan indicates the parts of the site in which built form is expected to be located and where, within the site, built form should be restricted, i.e. around the perimeter of the site within a 'Clear Area Zone'. The Parameters Plan also sets out the maximum scales of development within different parts of the site, i.e. where scales and heights should be lower and where it may be more appropriate to provide a building of greater height and scale.

The principle of development is considered acceptable having regard to Policy MS1. The absence of an up to date Masterplan for the University is not a reason not to consider a particular development proposal, providing the application is justified and accordingly assessed in accordance with the relevant bullet points stipulated within the policy.

Having regard to all the possible impacts of the proposed development, in relation to visual and landscape impacts, the setting of heritage assets, residential amenity, highway safety and traffic, drainage, ecology, sustainability measures and air quality, Officers are satisfied that the site can accommodate the proposed quantum of development without causing demonstrable harm to the aforementioned matters. In making this assessment, regard has been had to a number of proposed mitigation measures, necessary conditions to secure such measures which would form part of any approved outline permission and a S.106 Agreement that further seeks to ensure the impacts of the development are properly mitigated.

Subject to such conditions being imposed and the subsequent reserved matters applications having regard to the considerations and requirements set out in this report, it is recommended that planning permission be approved subject to the conditions set out below, as well as the relevant terms of the S.106 Agreement which are summarised above in this report.

## **CONDITIONS**

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide for: temporary measures required to manage traffic during construction, plans and details for the turning, unloading and loading of

vehicles within the site during the construction, the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration, restrictions on burning; a scheme for recycling / disposing of waste resulting from demolition and construction works and details of all temporary contractors buildings. A model CMP can be found on the Council's website ([https://www.warwickdc.gov.uk/downloads/file/5811/construction\\_management\\_plan](https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan)) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

- 5 The development hereby permitted shall not commence until:
1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:
    - A risk assessment to be undertaken relating to human health
    - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
    - An appropriate gas risk assessment to be undertaken
    - Refinement of the conceptual model 2
    - The development of a method statement detailing the remediation requirements
      - a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
      - b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.
  2. All development of the site shall accord with the approved method statement.
  3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement).

This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

- 6 The development hereby permitted shall not commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
  1. Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site
  2. Where infiltration is demonstrated to not be feasible, limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 11.1l/s for the site in line with the approved surface water drainage strategy (ref: 8339-BDP-ZZ-ZZ-DR-C-5201, revision P03, dated 16 January 2023).
  3. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).
  4. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design
  5. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

6. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
  - a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
  - b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
  - c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period
  - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
7. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
  - a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
  - b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels
  - c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

- Z Notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;
- a) How the development will reduce carbon emissions and utilise renewable energy;
  - b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
  - c) How proposals will de-carbonise major development;
  - d) Details of the building envelope (including U/R values and air tightness);
  - e) How the proposed materials respond in terms of embodied carbon;

- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No building shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**REASON:** To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

- 8 The development hereby permitted shall not be commenced unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

- 9 The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the building and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
  - Lighting should be shielded to avoid spillage onto vegetated areas
  - The brightness of lights should be as low as legally possible;
  - Lighting should be timed to provide some dark periods;



- Connections to areas important for foraging should contain unlit stretches.

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

10 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details including:

- existing habitat and protected/notable species information, including a clear site plan;
- updated and detailed protected and notable species surveys as required prior to work starting on site, together with any appropriate follow-up measures to be taken;
- details of tree and shrub protection;
- care should be taken when clearing the ground prior to development to ensure protected and/or notable species are not adversely affected during or after the construction period. If evidence of reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England are contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010;
- Any holes or trenches shall be covered over at night & other periods when the site is undisturbed, to prevent animals falling into them. Any materials stored during such times should be raised above ground (eg on pallets) to prevent animals sheltering underneath them, and building waste put in skips and not left lying around for animals to take refuge in it. Concrete not to be left unset during such times unless suitable barriers are erected;
- Breathable roofing membranes, BRMs, started to be used from 2004 onwards. Research has shown that all BRMs pose a threat of entanglement to bats. Only traditional Type 1F bitumen roofing felt is safe for bats. Further advice and information can be obtained from the Bat Conservation Trust (BCT); and
- Any proposed habitat enhancements such as tree & shrub planting should also be detailed, and should be of native species, and in line with the Warwickshire Landscape guidelines. Aftercare details to be included, such as avoidance of harmful pesticide use.

The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**Reason:** To ensure that trees and shrubs, together with protected species are not harmed by the development, and to enhance the nature conservation value of the site in accordance with the National Planning

Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The LEMP should include:
- Details of planting and maintenance of all new planting;
  - Details of species used and sourcing of plants should be included;
  - 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);
  - Description and evaluation of features to be managed;
  - Ecological trends and constraints on site that might influence management;
  - Aims and objectives of management;
  - Appropriate management options for achieving aims and objectives;
  - Prescriptions for management actions;
  - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);
  - Details of the body or organisation responsible for implementation of the plan; and
  - Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (*where results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Such approved measures shall thereafter be implemented in full.

**Reason:** To ensure a net biodiversity gain, and to ensure that habitat (including trees, shrubs and hedgerows) together with protected species are not harmed by the development and to enhance the nature conservation value of the site itself, and as part of the wider landscape in accordance with the NPPF.

- 12 Prior to the submission of any reserved matters an arboricultural method statement and tree retention and protection plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the routing of any underground services.

The development shall thereafter be carried out in strict accordance with the approved measures, which must remain in place for the duration of construction works. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 13 Prior to the submission of any Reserved Matters applications for any phase of development:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work, to include trial trenching, shall be submitted to and approved in writing by the Local Planning Authority
  - b) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the Local Planning Authority
  - c) An archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the result of the archaeological evaluation.

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

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

- 14 Prior to the submission of any reserved matters, notwithstanding the details set out within the 'Landscape and Visual Appraisal: University of Warwick, Social Sciences Quarter: July 2023' Ref. UNIQ3114, further details of the proposed landscape mitigation measures to be implemented shall be submitted to and approved in writing by the Local Planning Authority. These shall include sketch proposals and/or supporting text to expand on what is envisaged to be achieved by the proposed additional mitigation which should in turn influence the design process. The development shall thereafter be carried out in strict accordance with the approved measures. **Reason:** In the interest of visual amenity and the impact on the rural landscape setting in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

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

16 The development hereby permitted shall not be occupied until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (8339-BDP-ZZ-XX-RP-C-001 Rev. P03) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed decision is in keeping with the approved principles
2. Any as built drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc
5. Confirmation that the system is free from defects, damage and foreign objects

**Reason:** To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Policy FW1 of the Warwick District Local Plan 2011-2029.

17 The development hereby permitted shall not be occupied or brought into first use until a detailed, site specific maintenance plan has been provided to the Local Planning Authority in consultation with the LLFA. Such maintenance plan should:

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed
3. Provide details on how surface water of each relevant feature shall be maintained and managed for the life time of the development
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

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

18 Prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site parking shall be submitted to

and approved in writing by the Local Planning Authority. Thereafter car parking associated with the development shall be managed in full accordance with the approved Strategy. **Reason:** In the interest of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 and TR3 of the Warwick District Local Plan 2011-2029.

- 19 Any Reserved Matters application shall, where relevant:
- a) Demonstrate that the proposals accord with the approved Parameters Plan drawing number 8339-BDP-XX-00-SK-A-0001 Rev.D and the principles set down in the Design & Access Statement forming part of the approved documentation;
  - b) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
  - c) Define principles regarding building height, mass and bulk aimed at reducing any harm caused to heritage assets;
  - d) Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
  - e) Show the location of SUDs ponds;
  - f) Include landscape design principles aimed at ensuring that soft landscaping is satisfactorily integrated with neighbouring land;
  - g) Contain principles in respect of disabled access throughout the development; and
  - h) Detail principles on how crime prevention matters will be addressed in respect of the development.
- Reason:** In the interest of urban design in accordance with Policies BE1 and HS7 of the Warwick District Local Plan 2011-2029
- 20 As part of any reserved matters application, a revised assessment of flood risk should be submitted. This should consider any updates relevant to the existing hydraulic model of the Westwood Heath Brook (evidenced as part of the outline application) alongside information demonstrating how the reserved matters for approval respond to any residual flood risk to the site. **Reason:** To ensure new development is resilient to flooding and to prevent the increased risk of flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.
- 21 The Reserved Matters to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing number 8339-BDP-XX-00-SK-A-0001 Rev.D forming part of the approved application documentation. **Reason:** In the interests of urban design and to ensure the proposals do not harm the amenity of nearby buildings and they are in keeping with the surrounding landscape in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 22 The Reserved Matters to be submitted in accordance with Condition 1 shall include samples of facing, roofing and hard surfacing materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority. **Reason:** In the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 23 The Reserved Matters to be submitted in accordance with Condition 1 shall include detailed visuals to include contextualised elevations looking east from the Grade II listed St Johns Church. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority. **Reason:** To assist with understanding the extent to which the scale, mass and bulk of the development may impact on designated heritage assets, principally the Grade II listed St Johns Church in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.
- 24 The Reserved Matters to be submitted in accordance with Condition 1 shall include details of footpaths and cycleways for pedestrians and cyclists, including details of how new links will connect into the existing footpath/cycleway network. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority. **Reason:** In the interests of urban design and the promotion of sustainable transport choices in accordance with Policies BE1 and TR1 of the Warwick District Local Plan 2011-2029.
- 25 Any soft landscaping referred to in Condition 1 shall be completed in all respects within 6 months of the substantial completion of development. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in their interest of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 26 Unless work starts within 2 years of the current survey (dated 24.4.2023) an updated extended phase 1 habitat survey shall be carried out by an appropriately qualified ecologist prior to any work (including site clearance) starting on site. The survey should determine the quality of habitats and species present and shall be carried out in accordance with established guidance including Phase 1 Habitat survey. **Reason:** To ensure that habitat (including trees, shrubs and hedgerows) together with protected species are not harmed by the development and to enhance the nature conservation value of the site

itself, and as part of the wider landscape in accordance with the NPPF and policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

- 27 Notwithstanding condition 13 above the development hereby permitted shall be carried out in accordance with the landscape mitigation measures set out in the 'Landscape and Visual Appraisal: University of Warwick, Social Sciences Quarter: July 2023' Ref. UNIQ3114 . **Reason:** In the interest of visual amenity and the impact on the rural landscape setting in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 28 In respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints of all building floorspace shall be within the maximum limits set down in approved Parameters Plan drawing number 8339-BDP-XX-00-SK-A-0001 Rev.D forming part of the approved application documentation. **Reason:** To define the terms of the permission in the interests of urban design as well as highway safety and capacity in accordance with Policies BE1 and TR2 of the Warwick District Local Plan 2011-2029.
- 29 In respect of the Reserved Matters to be submitted in accordance with Condition 1, no built development shall take place within the 'Clear Area Zone' set down in approved Parameters Plan 8339-BDP-XX-00-SK-A-0001 Rev.D forming part of the approved application documentation. **Reason:** In the interests of visual amenity having regard to the character of the surrounding area and edge of campus location in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 30 The development hereby permitted shall not exceed a maximum of 32,000 square metres (GFA). **Reason:** To define the terms of the permission and to ensure that the development does not compromise the characteristics of the edge of campus location in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 31 If it is **essential** to fell or lop any trees or shrubs, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season (March-September). All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act. In addition, if mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats prior to work starting. **Reason:** Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a European Protected Species. Local Authorities are bound by the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions.

**Planning Committee:** 15 August 2023

**Item Number: 6**

**Application No:** [W 23 / 0740](#)

**Town/Parish Council:** Kenilworth

**Case Officer:** Jack Lynch

01926 456642 Jack.lynch@warwickdc.gov.uk

**Registration Date:** 15/06/23

**Expiry Date:** 10/08/23

#### **4b Fieldgate Lane, Kenilworth, CV8 1BT**

Proposed remodelling of existing dwellinghouse to include: Proposed infill extension at ground floor. Proposed erection of detached garage to rear. Proposed extension of block paving driveway. Proposed installation of solar array and roof lights. Proposed internal remodelling including garage conversion. Proposed revision to fenestration and replacement doors. Proposed rendering and stone/larch cladding. FOR Mrs. Sarjeant

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This application is being presented to Planning Committee due to the number of objections received.

#### **RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

#### **DETAILS OF THE DEVELOPMENT**

The applicant seeks planning permission for the proposed remodelling of the existing dwellinghouse to include:

- Infill extension at ground floor.
- Erection of detached garage to rear.
- Extension of block paving driveway.
- Installation of solar array and roof lights.
- Internal remodelling including garage conversion.
- Revision to fenestration and replacement doors.
- Rendering and stone/larch cladding

#### **SITE AND LOCATION**

The application site relates to a two-storey detached dwelling, located within a private driveway off Fieldgate Lane, neighbouring 4a Fieldgate Lane.

The application site is in the Kenilworth Conservation area, in Kenilworth Parish.



The application site is not visible from Fieldgate Lane, however when approaching the application site, via the private road, there is a shared access/turning circle serving both the application site and neighbour (4a Fieldgate Lane).

The arrangement of the access and landscaping in this location creates a very open environment. 4b Fieldgate Lane has an open frontage, with largely soft boundary treatments except for a small picket fence northeast of the site and a decorative wall to the South of the site, which has been screened with planting.

The dwellinghouse itself, was erected in the late 1960's. Its design is not one of significant architectural merit. It is largely constructed of brick, with white PVC cladding on the Southwest elevation and some tile cladding to the frontage at first floor level. The existing fenestration is unique in its arrangement with no uniformity.

Defining features of the dwellinghouse include the dual pitched roof which slopes significantly to the frontage to ground floor level and the large chimney rising through it off centre.

The application site was originally of the same style and appearance as the neighbouring dwelling, 4a Fieldgate Lane, however the neighbour has since completed various extensions (W/06/0836), removing their symmetry.

## **PLANNING HISTORY**

### **Application site:**

No relevant planning history

### **Neighbouring history relevant to this application:**

W/06/0836 - 4a Fieldgate Lane - "Erection of extensions at ground floor and addition of roof terraces at first floor"

## **RELEVANT POLICIES**

- National Planning Policy Framework

### **Warwick District Local Plan 2011-2029**

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas

- Kenilworth Neighbourhood Plan (2017-2029)
- KP13 - General Design Principles
- KP13M - Design Management in Fieldgate Lane

#### Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)

### **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council** – Objection. Concerns include the proposed impact to the relationship between neighbouring dwellings, proposed external materials, impact to the amenity of neighbouring uses and impact to the character of the conservation area.

**WDC Tree officer** – No objection, subject to tree protection plan condition.

**WCC Ecology** – Following the receipt of photographs, requested to determine if bat survey required, it was recommended that a Preliminary Bat Roost Assessment should be completed. Ecology objects to the application, without the completion of this report.

**Public Response** – Eight objections have been received from the public, within these objections, the concerns are:

- Overlooking from first floor windows,
- Render and cladding being out of keeping with the design of the street/neighbouring dwellings,
- Removal of symmetry between the design of 4a and 4b Fieldgate Lane,
- Installation of a wood burner,
- Footprint of the double garage.

### **ASSESSMENT**

#### Design and impact on the character of the area and street scene, including the character and appearance of the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a conservation area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 195 of the NPPF states that where a development proposal will lead to less than substantial harm to the

significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Warwick District Local Plan states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or if criteria listed within the policy have been satisfied. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

Local Plan Policy BE1 echoes paragraph 130 of the NPPF and states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use.

The Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Policy KP13 of the Kenilworth Neighbourhood Plan requires development proposals to be of a suitable layout, density, scale, height, massing, proportions, orientation, architectural detailing, materials and landscape which responds to the built form of surrounding properties. Moreover, Policy KP13M should demonstrate regard to design principles including; common materials comprising of brick, render, tile, slate, thatched roofing, white pebbledash render, masonry and brick work.

An infill extension is proposed, to replace the existing central area on the ground floor that acts as an archway leading from the front to the rear garden of the dwelling. The proposed addition will form the new front entrance to the dwellinghouse, with a study to the rear. This extension will be glazed at the frontage minimising its impact. The proposed infill extension is considered to be an acceptable addition to the property, with it being a modest extension which both respects and enhances the existing property and its overall character.

The proposed revision to fenestration, alters the position and size of numerous windows on all elevations of the dwellinghouse. The existing windows have no uniformity as present and are not traditional in appearance. The proposed alterations to the windows are considered appropriate based on the context of the site and it is considered that the proposed alterations would be comprised of taupe coloured UPVC windows which would be neutral in appearance. The revision to fenestration and alteration to existing windows is considered acceptable and both respects and enhances the existing property and overall character.

The proposed external garage is set to be located to the rear of the dwellinghouse on the Northern corner of the site. The proposed external garage will not be in a prominent position and will be built with materials similar to that of the

dwellinghouse. The proposed garage is considered acceptable and both respects and enhances the existing property and overall character.

A number of objections have been received. A key theme is reference made to the proposed materials. As noted above, the dwellinghouse is not one of significant architectural merit as existing, it neither conserves nor enhances the character of the designated heritage asset. The dwellinghouse is constructed with a variety of materials, largely brick, with tile cladding to the frontage and PVC cladding to the side (Southwest) elevation. The fenestration is not uniform in design with the garages fronting the dwellinghouse being green in appearance. The applicant seeks to introduce a render which will cover most of the exterior.

The dwellinghouse is surrounded by white rendered properties, namely 6 Fieldgate Lane, 6a Fieldgate Lane, 1 Fieldgate Lawn and 2 Fieldgate Lawn, all of which are clearly visible from the street. Moreover, the neighbouring dwellinghouse, 4a Fieldgate Lane, sought permission for the first floor of their dwellinghouse to be finished in white render in planning application W/06/0836, which was approved. Due to the number of neighbouring dwellings nearby that are completed in render, the proposed render for 4b Fieldgate lane would be appropriate. Furthermore, Policy KP13M of the Kenilworth Neighbourhood plan refers to design principles, noting that common materials include render and pebbledash render and as such the proposed render is deemed acceptable, will have minimal impact on the streetscene and therefore cannot be considered to harm the established character of the area.

Other additions, of which were subject to objection from the public, include the timber cladding to part of the principal elevation and part of the Southwest elevation, with decorative larch timber shutters on the windows at the frontage. A stone cladding is proposed to be introduced on a small section of the ground floor principal elevation. In addition, the existing chimney will be reclad with a buff brick, which will match the materials of the proposed garage.

When assessing these additions, their appropriateness should be considered in comparison to the existing design. The existing dwellinghouse has cladding on multiple elevations, this includes a tile cladding and a white PVC cladding. Neither of which are sympathetic to the design of surrounding dwellings in the conservation area. The timber cladding and timber larch introduce uniformity in the cladding, introducing a more natural colour that is sympathetic to its surroundings in comparison to the existing white PVC cladding, green garage doors and tile cladding. It should also be noted that timber cladding is a notable feature of the principal elevation of nearby 21 Fieldgate Lane, which is in a visible location from the street.

The buff brick proposed for the existing chimney is a subtle alteration of the existing brick work that will be more in keeping with the proposed render for the dwellinghouse due to its lighter tone. Furthermore, the use of this brick for the proposed garage will ensure that the garage is in keeping with the main dwellinghouse. The stone cladding is a small addition that will only be on the

ground floor of the principal elevation. Its appearance will be sympathetic to that of the rest of the dwelling.

Further to the above assessment, a key part of the assessment for this application is that it is well set back off the street and does not directly impact the conservation area. The conservation officer raised no objections to the proposed works in this instance stating, "The property is set well back, down a private drive, and not felt to impact upon the street scene of the conservation area, nor is it considered to be a particularly positive element within the conservation area itself."

In light of the above, due to the minimal contribution the existing dwellinghouse has on the designated heritage asset at present and how far it is set back off the road, combined with the appropriate materials proposed, the local planning authority consider the proposal will lead to less than substantial harm to the significance of a designated heritage asset. The public benefit of the proposal securing its optimum viable use, through improving the design of this dwellinghouse and improving its overall layout, would significantly out way any harm to the conservation area.

It is considered that the proposed alterations would be comprised of appropriate materials and is therefore in accordance with Local Plan Policy BE1, HE1 and Kenilworth Neighbourhood Plan KP13M and KP13.

#### Impact on neighbouring properties and the current and future occupiers of the development

Warwick District Local Plan Policy BE3 requires that development must have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states how extensions should not breach a 45-degree line taken from the nearest habitable room of the neighbouring property. This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses. The same policy provides a design framework on distance separation. The guidance sets out to limit the potential for over-development, loss of privacy and dominance over adjoining dwellings and secure a reasonable standard of amenity and outlook for local residents. Policy BE3 also requires that all development should ensure that acceptable standards of amenity space are provided for existing and future occupiers of the development site.

The proposed infill extension is to be erected in the existing gap on the ground floor of this dwelling and as such will not cause any harm to the amenity of neighbouring uses.

The proposed garage is located on the Northwest corner of the site in the rear garden. The garage is single storey with a dual pitched roof. Its ridge height is 4 metres, and it has an eaves height of 2.5 metres. The garage is beyond the rear garden of all surrounding dwellings. It neither generates harm through being overbearing or unneighbourly and would not result in material harm to neighbouring amenity by reason of loss of light, outlook, or privacy.

Objections have been received, raising concerns over the installation of windows to the side elevations of the dwellinghouse. The Distance Separation Guidelines state that the sides of two-storey dwellings with a blank side elevation should have a minimum distance of 12 metres from the back of nearby dwellings. In this case, the Northeast elevation has a blank first floor elevation and the Southwest elevation has got a first-floor window serving a bedroom. The site to the Northeast is 42 metres from the dwellinghouse. Further, the side elevation's windows do not directly overlook the private amenity space of 4a Fieldgate Lane and as such this would not cause any harm to amenity.

Regarding the window on the Southwest elevation, we would take into consideration the distance separation guidance on dwellings' rear elevations that face each other. This requests that dwellinghouses that have rear elevations should have distance separation of 22 metres to prevent an overbearing and unneighbourly impact. In this instance, the property to the Southwest of the site is 25 metres from the dwellinghouse and 14 metres from the boundary fence that shares the rear boundary of 8 Fieldgate Lane. Based on this distance, the impact the proposal will have on the amenity of current and future occupiers is considered acceptable, with adequate private amenity space present and in accordance with the requirements set out within the Residential Design Guide SPD.

Overall, with a mind to the above noted considerations, it is considered that the proposal would not result in material harm to neighbouring amenity by reason of loss of light, outlook, or privacy and as such is in accordance with guidance set out in the Residential Design Guide and Local Plan Policy BE3.

### Ecology

Local Plan Policy NE2 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to the wider biodiversity objectives and connectivity.

The County Ecologist requested clear photographs of the application property so that an assessment could be made as to whether the proposed works should be carried out under the supervision of an ecologist. Upon receipt of photographs of the application site, the County Ecologist requested that a Preliminary Roost Assessment should be completed. The planning officer has considered this request, and note that the existing dwelling is located within a built up area with other dwellings in close proximity. It is also noted that the only works that will impact the roof are the proposed installation of roof lights and solar panels which could be carried out without the need for planning permission.

On this basis, I do not consider that it is appropriate or practicable to request a bat survey be submitted. In coming to this conclusion, I am mindful of location of the property, the characteristics of the local area and the fact that bats are a protected species under separate legislation and a duty of care by the applicants to ensure protected species are not harmed by the proposal.

Further to this, there are a number of trees that surround the application site. The Tree Officer consulted on this application noted that whilst no trees would appear to be directly affected by the proposal the site logistics may require that tree protection measures to be put in place.

A condition has been applied to this application to ensure details are provided on how all the retained trees within the site are to be protected from harm during the development.

On the basis of the above, I consider that the imposition of an explanatory note regarding the applicant's responsibility with regard to protected species is sufficient in this case.

Highways and Parking

Local Plan Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards SPD.

The development does not create any new bedrooms. The dwellinghouse has sufficient space for 3 cars to comfortably park which is the number of spaces required from the SPD.

It is noted from the plans provided that there is sufficient space within the curtilage of the dwellinghouse for three vehicles and is thus considered acceptable as it is in accordance with the Parking Standards SPD and Local Plan Policy TR3.

**CONCLUSION**

The proposal is considered to constitute good quality design, does not result in material harm to amenity of neighbouring uses. The proposal is not to cause any harm to the significance of a designated heritage asset. As such, the proposal is in accordance with the aforementioned policies, and it is therefore recommended for approval.

**CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
  
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings, DR-22.705-A-200-P1, DR-22.705-A-201-P1, DR-22.705-A-202-P1, DR-22.705-A-203-P1 and DR-22.705-A-204-P1 and

specification contained therein, submitted on 22/05/2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those shown on drawing number DR-22.705-A-203-P1 **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
  
- 4 Prior to the commencement of the development hereby approved (including all preparatory work), a sufficiently detailed and proportionate Tree Protection Plan and Arboricultural Method Statement, together referred to as the scheme of protection, that will detail how all the retained trees within the site, where they might be impacted by the development, are to be protected from harm during the development shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan should be overlaid upon the approved plan of the development.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection.

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

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**Planning Committee:** 15 August 2023

**Item Number:** 7

**Application No:** [W 23 / 0900](#)

**Town/Parish Council:** Leamington Spa

**Case Officer:**

Jack Lynch

01926 456642 Jack.lynch@warwickdc.gov.uk

**Registration Date:** 28/06/23

**Expiry Date:** 23/08/23

**Tennis Pavilion, Victoria Park, Archery Road, Leamington Spa**

Proposed change of use from Tennis Pavilion in Victoria Park to permit first floor of the building to be used as office space from current use (storage). FOR  
Warwick District Council

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This application is being presented to Planning Committee as the District Council is the applicant.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

The applicant seeks planning permission for the proposed change of use from Tennis Pavilion in Victoria Park to permit the first floor of the building to be used as office space [Class E] from the current use (storage [Class B8]).

There will be no alterations to the ground floor or externally.

**SITE AND LOCATION**

The application site relates to the "Tennis Pavilion", located in the centre of Victoria Park, with walking access off Archery Road and Avenue Road. The application site is in the Leamington Spa Conservation Area. It is a two-storey building currently largely underutilised with the first floor being used for storage for council owned leisure equipment. The site was originally used as a pavilion for the former cricket pitch.

**PLANNING HISTORY**

**Application site:**

No relevant planning history

**Neighbouring history relevant to this application:**

W/19/1559 - Victoria Lodge, Park Drive, Leamington Spa, CV31 3PJ - "Refurbishment, change of use and extension of existing C3 dwelling house to B1 office space with associated car parking." **Granted**

## **RELEVANT POLICIES**

### The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)

### Royal Leamington Spa Neighbourhood Plan 2019-2029

- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas

### Guidance Documents

- Parking Standards (Supplementary Planning Document)

## **ASSESSMENT**

The main issues relevant to the consideration of this application are as follows:

- Principle of the Development
- Design and Impact on Heritage Assets
- Impact on Amenity
- Parking and Highway Safety

### Principle of the Development

Local Plan policy EC1 states that new office development will be permitted within the town centres. Outside of town centres, office development will be permitted in accordance with the following criteria:

- i. Within the employment land allocated in policy DS9;
- ii. Within established and committed employment areas in policy EC3;
- iii. Within town centres, subject to the town centre policies or any subsequent area action plan coming into effect after this plan.

Proposals for office development in locations at the edge of the town centres will also be considered if no suitable sites are available in any of the preferred locations above. Only if no suitable sites are available in an edge-of-centre location will out-of-centre locations be considered.

The policy seeks to support the retention of existing and committed employment areas, to prioritise the reuse of previously developed land and promote sustainable

patterns of development. It ensures that employment areas are well distributed within the urban areas, close to existing and future housing development and accessible by public transport.

This application is submitted by Warwick District Council who own the site. The development will provide office space for Bowls England, who are currently located at Riverside House. The National Bowls Championships, International Matches and Test Matches are all held at Victoria Park. A review by Warwick District Council, following the inaugural joint National Championships in 2014, showed that circa 30,000 visitors to the annual event delivered £1.7 million into the local economy during the period – almost double its own initial estimates. The Council also commissioned a number of surveys for park users and households close to Victoria Park during the event, the results of which showed significant levels of support for the National Championships due to the benefits that it brings to the town and wider district.

Bowls England need to be located within easy reach of the park because during August when the annual National Bowls Championships take place over 4 weeks, most staff and management are required to spend parts of each working day at the championship and also at their offices.

The current offices serving Bowls England are located outside of the town centre in Riverside House. Although the application site is located outside of the town centre and is not an employment site as identified on the proposal's maps, there is clear justification why this particular office development needs to be in this area, with this site being particularly well-placed, and the application property has been underutilised for some time.

The area within closest reach of Victoria Park within the town centre boundary is predominantly residential and it is unlikely that any of these sites would come forward for office use, and in any event is unlikely to be supported because the Local Plan seeks to protect residential uses within the town centre in such areas. Any town centre sites further away from Victoria Park would be further away than the current offices, thus rendering them unsuitable.

Furthermore, the site is just over 200 metres from the town centre boundary and is therefore not a significant distance from public transport and other services which are in walking distance. Local Plan policy EC1 seeks to prioritise the reuse of previously developed land, which this would constitute.

Owing to the close proximity of the site to the town centre, the use of sustainable transport could be easily achieved. The site is also in walking distance of existing housing development. Moreover, policy EC1 does not preclude office development from being permitted outside of the town centre and there is clear justification in this instance why office use would be suitable for this site.

It is therefore considered that the change of use and the small scale of the proposed change of use would not prejudice the aims of Local Plan policy EC1 and is acceptable under these specific circumstances.

## Design and Impact on Heritage Assets

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area.

No external works are proposed within this application.

It is therefore considered the proposed change of use would not cause harm to, and would preserve the setting of the Conservation Area and the Registered Park and Garden. The proposal is therefore considered to be in accordance with Local Plan policies BE1 and HE1.

## Impact on Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or

intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The application site is relatively isolated from other residential properties, being located within Victoria Park. It is not considered that the change of use would cause harm to amenity.

The proposal is therefore considered to be in accordance with Local Plan policy BE3.

### Parking and Highway Safety

The access arrangements to the site remain unaltered as part of the proposal. The existing parking requirement for the site is 1 space. The proposed office use generates a need for 3 spaces.

The existing car park used by Bowls England is on Adelaide Road. As per the Design and Access Statement, the intention of Bowls England is to use the same car park on Adelaide Road due to its proximity to the application site. The application site is easily accessible from this car park and is a short walk away.

Further to this, there are easily accessible car parks nearby if needed including Victoria Park Car Park.

It is also noted that the application site is located just outside the town centre and as such is in a central location with good access to alternative sustainable transport means.

It is considered that adequate parking provision is available for the proposed change of use and that the development would be in accordance with Royal Leamington Spa Neighbourhood Plan Policy RLS13 and Local Plan policy TR3.

### **CONCLUSION**

The specific circumstances associated with the nature of this application means that the change of use from first floor storage to office accommodation in this location is acceptable in principle.

The proposed development is therefore recommended for approval.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 001 REV A, and specification contained therein, submitted on 28/07/2023.

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

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