

Planning Committee

Tuesday 13 December 2022

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 13 December 2022, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor A Boad (Chairman)
Councillor T Morris (Vice Chairman)

Councillor R Dickson
Councillor B Gifford
Councillor O Jacques
Councillor J Kennedy
Councillor R Margrave

Councillor N Murphy
Councillor M Noone
Councillor D Norris
Councillor C Quinney
Councillor N Tangri

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 Development Services:

4. **W/22/0232 - Land on The South Side of Chesterton Drive, Royal Leamington Spa** (Pages 1 to 16)
Major Application
5. **W/22/1238 - (a) Rosalind Franklin Laboratory, Harrison Way, Royal Leamington Spa (b) Old Ford Foundry Car Park, behind Pets at Home: Unit 2B, Myton Road** (Pages 1 to 17)
6. **W/22/1509 - 5A Spencer Street, 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 remotely by joining the remote meeting through their personal device 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.

Published Monday 5 December 2022

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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

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Application No: [W 22 / 0232](#)

Town/Parish Council: Radford Semele
Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 08/02/22

Expiry Date: 10/05/22

Land On The South Side Of, Chesterton Drive, Leamington Spa

Application for approval of Reserved Matters for residential development of 200 dwellings relating to appearance, landscaping, layout and scale in pursuance of outline planning permission W/20/0617. FOR AC Lloyd (Homes) Ltd

RECOMMENDATION

That the reserved matters application is approved.

DETAILS OF THE DEVELOPMENT

This application seeks the approval of reserved matters relating to the appearance, layout, landscaping and scale of the development, following the grant of outline permission on appeal in pursuance of application W/20/0617. The site forms part of allocation H03 within the Local Plan which is allocated for up to 500 dwellings.

The proposal is for the erection of 200 dwellings together with all internal site works as matters reserved from the outline that granted the principle of development and the means of access to the public highway.

THE SITE AND ITS LOCATION

The site is currently agricultural land to the south of the new development known as Emperor Boulevard.

The site abuts the new dwellings to the north but is separated by a public bridleway that runs along the entire site boundary. This bridleway also forms an agricultural access track serving properties to the east of the site.

The eastern side of the site abuts open land and part of this area falls within Flood Zones 2 and 3 comprising the flood plain of Whitnash Brook.

To the south lies open agricultural land which also forms part of the wider housing allocation H03.

The western boundary flanks the railway line that runs the length of the boundary. Beyond the railway line lies residential development.

The northern and western boundaries of the site are defined with mature hedgerows. To the east, the boundary is a combination of hedgerows and trees.

The site is predominantly flat with no significant level changes.

As explained below, the site forms parts of the strategic Local Plan allocation H03 and as such is an important aspect of the Council's housing delivery strategy. That strategy supports the ongoing provision of a 5-year housing land supply which itself is crucial in continuing to enable the Council to retain control of the pattern of housing development across the District.

PLANNING HISTORY

W/20/0617: Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space. (all matters reserved apart from access): **REFUSED 12.02.2021. APPEAL ALLOWED 20.08.2021**

W/21/0590: Outline planning application for a residential development of up to 200 dwellings with associated access, landscaping and public open space: **REFUSED 28.05.2021.**

RELEVANT POLICIES

National Planning Policy Framework

Whitnash Neighbourhood Plan (2011-2029)

- W4 - Building Design Principles
- W6 - Protection and Enhancement of Whitnash Brook and Brook Valley
- W9 - Landscape Design Principles
- W10 - Improving Accessibility for All
- W11 - Housing Mix
- W14 - Sustainable Design
- W15 - Flood Resistance and Resilience
- W16 - Design to Reduce Surface Water Run Off
- W17 - Reducing Flood Risk through Landscaping

Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS2 - Providing the Homes the District Needs
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS10 - Broad Location of Allocated Sites for Housing
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H2 - Affordable Housing
- H4 - Securing a Mix of Housing
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE2 - Developing Strategic Housing Sites
- BE3 - Amenity

- DS11 - Allocated Housing Sites
- BE5 - Broadband Infrastructure
- BE6 - Electronic Communications (Telecommunications and Broadband)
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS3 - Local Green Space
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS5 - Directing Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- FW4 - Water Supply
- 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

- Parking Standards (Supplementary Planning Document- June 2018)
- Open Space (Supplementary Planning Document - April 2019)
- Distance Separation (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Affordable Housing (Supplementary Planning Document - July 2020)

SUMMARY OF REPRESENTATIONS

Whitnash Town Council: Neither object nor support.

Royal Leamington Spa Town Council: Objection - reiterates concerns regarding site access. Recommend traffic calming measures prior to any building works commencing.

Councillor Luckhurst: Concern about the lack of public transport access to the site as per the comments from Stagecoach.

Councillor Roberts: Concern regarding Stagecoach comments about the lack of access into the site for bus services.

Councillor Bryce: Concern about the lack of access to the site for public transport. Note the Stagecoach objection. Residents will have to walk 1/2km to the nearest bus stop. This isolates those who rely on public transport.

Councillor Mangat: Stagecoach have said in their objection that they would not serve the site without second access point. Therefore, I have concern for isolation, wellbeing and the safety of residents and the scheme does not support commitments to sustainable communities or the climate agenda.

Matt Western MP: The development remains unnecessary and unwanted by residents. It is not needed – there is already over-development by 3,500 homes. Housing need from the site can be provided elsewhere. The main issue is the single access. However, a second access that reduces amenities for Campion School pupils cannot be supported. Concerned that local services do not have the capacity to accommodate a further 200 homes. Considers that the affordable housing does not meet the requirements of constituents and should be all social rent.

Police Architectural Liaison Officer: No further comments, refer to comments made at the outline stage.

WDC Environmental Protection Officer: Following the receipt of information relating to noise mitigation, no objection to the reserved matters subject to mitigation measures being implemented.

WDC Green Space Officer: Following discussions with the applicant and revisions to the plans, no objection to the proposal.

WDC Waste Management: No objection to the proposal.

WCC Highways: Following discussions with applicants and the provision of revised plans, no objection to scheme subject to the imposition of conditions.

WCC Ecology: No concerns with the reserved matters scheme. Details controlled by conditions at outline stage.

WCC Rights of Way: No objection to the proposal subject to conditions/explanatory notes relating to operation of the Bridleway.

WCC Flood Risk Management: No objection to the layout. Detailed scheme will be reviewed through the discharge of condition process on the outline consent.

WCC Landscape: Concern regarding any future access proposal and the potential removal of vegetation. Comment that the attenuation pond takes up a large area of the open space.. And that useable green space is limited within the central area. Comments on specific planting species.

Warks Fire and Rescue: No objection to the development. Request a condition for the provision of hydrants. (Officer Note: This was dealt with at the outline stage)

Stagecoach Bus Company: First comments relating to the concern over the lack of bus access to the site. Following discussions with the applicants Transport Consultant regarding the delivery of bus services into the site once the second access has been agreed, there is no objection to the scheme proposed.

Public Response: 98 Comments of Objection and 1 Comment of Support

Objection Comments

- Concerns with traffic, access and safety.
- Bridleway will become hazardous with vehicles crossing.
- Access roads are already too narrow once parked cars are factored in so adding more houses will make the problem worse.
- Creates further housing off an existing cul-de-sac.
- Could create a rat run to Church Lane.
- Over-development.
- The road is already too busy and causes pollution.
- Concerns over construction traffic and debris on the road.
- Lack of an additional access will cause more traffic on Chesterton Drive.
- Should not go ahead until a second access is provided.
- Does not meet with Government Guidance on design.
- Does not meet with the infrastructure phasing plan.
- Loss of countryside and wildlife habitats to development.
- Loss of good quality arable land.
- Building on green space goes against climate change initiatives.
- The plans do not build a community.
- The proposal to build apartments on the highest part of the site is inappropriate.
- Housing plans should be reconsidered as a result of the Climate Emergency.
- Does not enhance the surroundings.
- The site has so much cultural and historical interest that it is a travesty for it to be lost to development.
- Does not create a coherent form of development.
- Will not limit the impact of car use.
- The nearest shop is over 1 mile away.
- Will cause dust and odours during construction.
- There is no infrastructure to support housing.
- Will spoil the peaceful ambience of the area.
- Detrimental to the Whitnash Nature Reserve during construction.
- The character of Whitnash has already been changed beyond recognition.
- Housing adjacent to the railway could cause echoing of rail-related noise.
- Loss of view.
- No attempt to alleviate the concerns of residents.
- Contrary to the NPPF and National Design Guide.
- Would like development to join the Independent Considerate Constructors scheme which champions best practice and ESG procedures in the construction industry which would show commitment to local residents and the wider community.

Support Comment

- We badly need new houses.

Applicants Comments

Summary of scheme benefits

Following the grant of outline planning permission in 2021, significant efforts have gone into designing a highly sustainable housing scheme for this site. This Reserved Matters proposal will deliver 200 dwellings (including 40% affordable homes) on this allocated housing site and provide significant areas of public open space.

The main benefits of the Reserved Matters proposals can be summarised as follows:

- Delivery of 200 new dwellings of high design quality including 80 affordable homes
- Provision of more than 3ha of public open space, in excess of the local open space standards in terms of quantity
- Large area of open space along the brook will provide an extension to the established Whitnash Brook Valley Local Nature Reserve
- Quantified net gain in biodiversity (approx. 8% gain over existing baseline) as verified by the Council Ecologist
- Provision of solar panels (PVs) on every property to provide a renewable source of electricity
- Inclusion of air source heat pumps (ASHP) in every home to provide low carbon heating and hot water
- Inclusion of electric vehicle charging points for every dwelling with a dedicated parking space
- Energy efficient and sustainable dwelling design following a fabric first approach
- The outline planning permission requires a reduction in carbon emissions (compared with Code L2013 Building Regulations) of 40%. The measures outlined above will ensure that a 74% energy reduction is achieved.

ASSESSMENT

As this is an application for the approval of reserved matters, it is not possible to reconsider the principle of development. This was considered in the assessment of the outline planning application and was found to be acceptable.

The outline planning permission also approved the vehicular access to the site from Brimstone End so matters of site access are not for consideration under this Reserved Matters scheme.

Consideration of the current application can only include issues related to the detailed appearance, landscaping, layout (including internal roads only) and scale of the site for the 200 dwellings and proposed.

Design and Layout

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.

Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF insofar 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.

The Warwick District Residential Design Guide 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.

Whitnash Neighbourhood Plan Policy W4 refers to building design principles and seeks to encourage developments to enhance and reinforce the distinctiveness of the Parish in terms of scale, mass and form. The policy also seeks that new developments follow a consistent design approach to the use of materials.

The Garden Towns, Villages and Suburbs Approach

The Council's 'Garden Towns, Villages and Suburbs' Prospectus seeks to bring together the key characteristics of the garden suburbs and villages approach, which include coherent and well planned layouts, high quality design and consideration of long term management arrangements. The site is considered to fall within the category of 'neighbourhood edge', lying at the edge of the developable area and adjoining countryside.

Officers consider that the proposed scheme would provide a high-quality residential environment which conforms to the garden suburb design principles. The site exhibits the characteristics of a leafy, well designed residential neighbourhood within which open space and structural landscaping is an integral part, paying particular regard to the areas of Public Open Space to the centre and on the fringes of the development. The large area of Open Space to the East provides a soft edge to Whitnash Brook and the existing Nature Reserve.

The Public Open Space in this area is proposed to be natural in appearance to provide a significant buffer between the wider open countryside and the built form of the development. This large area of open space offers significant opportunities for dog walking and other recreational activities together with significant tree planting to increase the ecological value of this area of the site.

The proposal incorporates a primary route into the site featuring a primary road flanked by shared foot/cycleway on one side and footpath with verge planting to the other side. The foot/cycleway then enters into the open space areas located within the central core of the site to provide a link from north to south away from the main carriageway.

Thereafter, the scheme would provide a legible hierarchy of streets and spaces in accordance with this document with neighbourhood streets off the principle route and access drives meeting appropriate highway dimensions, adjacent to areas of

public open space. The proposed dwellings would face onto these areas of public open space to provide natural surveillance.

The Residential Design Guide (2018) sets standards for the distance separation between the windows of habitable rooms in dwellings. For the most part, the development proposes a layout where these minimum separation requirements are satisfied. In some instances, they are exceeded quite substantially. I am satisfied that the scheme creates an overall character of spaciousness, which positively meets the aims and objectives of the garden suburb prospectus and ensures a good standard of amenity for future occupiers.

General design and layout considerations

In line with the outline permission, the site is predominantly proposed as two storey units consisting of single dwellings together with some two and a half storey dwellings and apartment buildings.

Feature dwellings are located around the development where key focal points have been identified opposite junctions etc. In addition, dual aspect units are proposed to the corner plots to provide active frontages throughout the development to ensure that all properties engage with the public domain to avoid blank walls etc being present within the local street scene.

The whole development is predominantly made up of detached and semi-detached properties, with only 1 small area of terracing consisting of a single row of three units being proposed.

Officers consider the layout represents an efficient use of land and results in a well-spaced and legible layout that accords with the general design principles set out in the aforementioned design guidance as well as the approved site-wide Masterplan provided at outline stage.

In terms of appearance, the dwellings form a coherent scheme has been designed to provide character areas throughout the site that define areas whilst still retaining a coherent development.

Brick is predominantly proposed with the use of render and timber cladding through the development to enrich the palette of materials to create a high quality environment. Architectural detailing such as porches, gablettes, dormers and chimneys are proposed on a proportion of the units and the styles and types of such features differs depending on the house type to add additional character and design features to the development.

Overall, Officers consider that the proposed design and layout would result in an appropriate form of development in visual terms and would not give rise to any harm to the general character of the area.

The proposal is considered to conform with National Guidance set out within the NPPF together with Policy BE1 of the Warwick District Local Plan and additional guidance set out within the Garden Suburbs design document, the Residential Design Guide and Whitnash Neighbourhood Plan.

Housing mix

Policy H4 of the Local Plan requires residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district in accordance with the latest SHMA and as summarised in the most recent guidance document 'Provision of a Mix of Housing' (June 2018), based on current and demographic trends, market trends and the needs of different groups in the community.

Policy W11 of the Whitnash Neighbourhood Plan seeks to ensure that a mix of housing is provided to meet local housing needs.

This development provides:

Market Housing

Bedrooms	Total	% Proposed	WDC requirement	Difference
1 bedroom	8	6.7%	5-10%	Within range
2 bedroom	36	30%	25-30%	Within range
3 bedroom	52	43.3%	40-45%	Within range
4+ bedroom	24	20%	20-25%	Within range

The market housing mix set out fully accords with the Housing Mix as set out within the Housing Mix SPD and provides a policy compliant mix of dwellings across the site. Officers are therefore satisfied that the housing mix is appropriate.

Affordable Housing

The proposed affordable housing mix for this phase of development is as follows:

Bedrooms	Total	% Proposed	WDC Requirement	Difference
1-bedroom	26	32.5%	30-35%	Within range
2-bedroom	24	30%	25-30%	Within range
3-bedroom	28	35%	30-35%	Within range
4-bedroom	2	2.5%	2-5%	Within range

This proposal would provide 40% affordable housing comprising the mix of dwelling sizes set out in the above table.

The figures set out in the table above are in full accordance with the Housing Mix as set out within the SPD and also set out within Condition 25 of the outline planning permission. The plans submitted reflect the proposed tenure mix and provision based upon the demands within the local area.

The layout plan illustrates how the affordable housing would be distributed across the site and for this development, the even distribution of affordable housing is

welcomed. Predominantly, the Affordable Housing is located in a linear row to the western boundary of the site.

The rationale for this approach is that the site is subject to a buffer strip between the developable area and the railway beyond. The buffer strip contains mitigation for the railway to protect occupiers whilst ensuring that an acceptable offset is provided. By providing the affordable housing to this area, it allows for the buffer land to be taken on and appropriately managed by the relevant Social Landlord who will be taking on the affordable housing.

The benefit of this approach is that it provides certainty for the maintenance of the land area, which does not form part of the Public Open Space provision, and prevents the housing being located in cul-de-sacs or other areas where affordable housing is the only form of housing. The layout provides a road with different tenures on both sides of the street and the tenure blind approach to construction of the dwellings means that there will be no discernible difference in the dwellings that would identify them as either private or affordable units.

In addition to the above, where affordable units are located in clusters, care has been taken to ensure that the tenures are mixed to prevent social exclusion. It is also noted that the applicants propose tenure blind dwellings that are the same as the market range of dwellings so that they are not visually different. This is to be commended.

Impact on visual amenity and the character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high-quality layout and design in all developments that relates well to the character of the area.

The scheme as submitted follows the indicative masterplan submitted at outline stage. The parameters of the development fully accord with the masterplan document.

The development has lower density housing to the north of the site where the dwellings will be in closer proximity to existing housing and is therefore reflective of that existing character.

The Eastern area of the development proposes a natural parkland area that spans the whole eastern edge of the development. The area has been designed with frontages overlooking the park area to create an attractive edge for the development.

Within this area are a range of footpaths and informal play areas with a range of natural equipment to provide interest to people using the area. The area also includes picnic benches to provide additional features of interest whilst retaining the natural character of the area.

Centrally, park areas are proposed to run through the site from north to south giving a green centre to the development with benches and tree planting. This

offers a green core to the site and gives a focal point through the scheme connecting the site to the open countryside to the south.

The development is of open agricultural fields so there are few notable landscape features within the site and the existing landscape features through the site including a number of lengths of mature hedgerow and trees are located to the boundaries of the site. These features are to be retained to provide areas with a level of mature landscaping from the first occupation of the development. Conditions to protect these features were secured at the outline stage. The existing boundary planting is then supplemented with substantial areas of planting within the site including a large number of proposed trees across the site.

Overall, the scheme works with the existing landscape features to provide a high quality development that respects the character of the area.

Impact on residential amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents and provides an acceptable level of amenity for future occupiers of the development.

Impact on existing properties

The key area of the site is the northern boundary where the site flanks the edge of the existing phase of the development.

Careful consideration has been given to this relationship with a buffer zone formed of public open space to the front and the properties orientated to front onto the bridleway. This then matches the properties on the existing phase of the development that also front onto the bridleway giving a front to front relationship. The separation distance is well in excess of the required standards.

The majority of the remaining site would abut open countryside where there would be no near neighbours that would be directly affected by the residential development of the site.

The ample landscaping and public open space shown on the submitted plans will assist in ensuring the new development provides a high-quality residential environment that respects the existing properties.

Amenity of Future Occupiers

The proposed layout and design of this development is in accordance with the garden suburb approach and having regard to the general ethos of the Design Code, would provide a high level of residential amenity to the future occupiers of the development within an attractive setting.

The western perimeter of the site abuts the railway line that runs adjacent to the site. This was identified at outline stage and conditions proposed to demonstrate that the impact of the railway line could be satisfactorily mitigated. The conditions imposed on the outline permission have been discharged following consideration

by the Councils Environmental Protection Officer that the mitigation scheme is acceptable. Officers are therefore satisfied that the amenity of future residents will not be adversely affected by the proximity of the site to the railway.

The separation distances to surrounding properties are considered to be acceptable, and in many cases are in excess of the minimum separation distance guidance. The proposed development would provide appropriate relationships between neighbouring properties without significant impact upon the amenities of the occupiers.

All garden areas across the site meet or exceed the required garden standards commensurate with the size of property.

Whilst the District Council has not formally adopted the National Space Standards as part of the Local Plan and therefore cannot impose these standards, Officers have considered the development against these standards for the purposes of assessing the amenity of future occupants. Officers are satisfied that the dwellings meet or exceed these standards and would therefore provide acceptable living conditions for future occupiers.

The proposed layout and design of this development is in accordance with the garden suburb approach and having regard to the general ethos of the Design Code, would provide a high level of residential amenity to the future occupiers of the development within an attractive setting.

Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan.

Open Space

The site proposes a range of open space typologies within the site that have been generally agreed at the outline stage and were identified on the indicative masterplan. The final layout of the scheme is similar to that shown at outline and this is considered to be acceptable.

Policy W6 of the Whitnash Neighbourhood Plan seeks to ensure that the Whitnash Brook Nature Reserve is protected from inappropriate development.

The site benefits from a substantial area of open space to the east of the site where it flanks the Whitnash Brook. The open space area is designed to be natural in appearance to protect the character of the Brook and the Nature Reserve area. Footpaths are proposed within the site to allow improved pedestrian access to the area which is supported by the Neighbourhood Plan.

In addition to the large open space area to the East, additional open space areas creating small park areas that run through the core of the development.

The site benefits from a range of natural open spaces with footpaths and informal play equipment etc for recreational purposes for future residents. The total open space provided within the site exceeds the required standards by approximately 1 hectare.

In addition to the open space, allotments are also proposed to support the development. The operation of the allotments is secured through the Section 106 Agreement.

Highway safety / car parking

The primary access to the site is from Brimstone End and the detail of the access point was approved at the outline stage. From the access point, the scheme has a primary road that runs from north to south. From this primary road, further minor roads run east to west across the development serving the properties. The key routes are designed at 20mph design speed in line with WCC Highways advice.

The site has been subject to extensive negotiations with Warwickshire County Council Highways to ensure that all internal roads meet the required specification for adoption by the County Council. The layout on the final plans has been subject to a Road Safety Audit to ensure that all aspects are safe and would not result in any harm to highway safety.

Within the site, provision has been made for bus stops to allow the extension of the local bus service into the site to serve the needs of the future occupants. However, it is noted that this would only come into effect at the time the remainder of the allocation is delivered and the second access provided adjacent to Campion School.

In terms of the potential Campion School access, the layout has been designed to provide for an appropriate link at the time this access is brought forwards to ensure that the site is fully connected.

In terms of sustainable transport options, a range of routes through the site are proposed for pedestrians and cyclists. In addition to the main site access, separate connections area also provided for pedestrians and cyclists to connect into the existing bridleway that runs along the northern boundary of the site. This provides access for pedestrians and cyclists to the wider area to the west as well as the open countryside to the east. An additional emergency access is also proposed to the north western corner of the site to allow access onto Church Lane via the existing railway bridge.

Wider improvements to the provision of cycleways forms an integral part of the proposed highways works. The spine road is proposed to provide a full off-road cycle way through the core of the site and the site also incorporates a number of other recreational cycle routes giving a range of choice for cyclists.

In terms of parking, each property has an appropriate level of parking in accordance with the Council's Vehicle Parking Standards as well as areas set out for visitor parking. Bin collection points have been provided where necessary for properties off private drives to allow for easy servicing.

Overall, the development is not considered to be detrimental to highway or pedestrian safety and accordingly complies with policies TR1 and TR3 of the Local Plan.

Ecology

The Ecologist was satisfied at outline stage that any ecological impact could be successfully mitigated through planning conditions and these were imposed upon the original outline application and the subsequent variation application.

The ecological conditions do not need to be replicated as part of this reserved matters application and are subject to the separate discharge of conditions process.

In respect of the reserved matters submission, the County Ecologist is satisfied that the development results in a net biodiversity gain as a result of the significant planting works proposed as part of the development.

I am therefore satisfied that the proposal raises no significant ecological concerns. All ecological matters are satisfactorily controlled through the conditions attached to the outline consent and the development is therefore considered acceptable having regard to Policy NE3 of the Local Plan.

Drainage and flood risk

The site layout in terms of the SUDS ponds generally reflects the earlier submission under the outline planning permission. A suite of drainage conditions were attached to the outline planning permission as the SUDS pond area was previously considered to be acceptable.

The submitted layout satisfactorily demonstrates that appropriate drainage can be provided on the site and the detailed proposal will be controlled via conditions associated with the outline application.

Based on the submitted information no objection is raised to these proposals with regard to the drainage and surface water management.

Officers consider that the development is therefore acceptable in this respect.

Impact on features of Archaeological Importance

Policy HE4 of the Local Plan requires an appropriate evaluation of potential archaeological remains. Where a development has the potential to have an adverse effect on archaeological remains, mitigation would be required through an appropriate form of archaeological investigation.

At outline stage survey work was carried out in the form of a geophysical survey and trial trenching works were carried out in order to assess the archaeological potential of the site. These results of these works were assessed by the County Archaeologist for consideration who was satisfied that there are no further archaeological works necessary to be secured on the site.

Officers are satisfied that the proposal is in accordance with Policy HE4 of the Local Plan.

Sustainability

Whilst not a matter for consideration under the Reserved Matters, Condition 14 of the outline permission required the submission of a detailed energy statement to demonstrate how energy saving measures will be incorporated into the development.

The energy statement submitted identified a combination of energy saving measures utilising a fabric first approach to reduce the demand for energy at source through high levels of insulation. This approach is then supplemented with solar PV Panels and Air Source Heat Pumps to provide renewable sources of energy serving each of the plots.

The combination of these measures offers energy savings of between 65-75% above the 2013 Building Regulation standards.

The energy saving measures proposed result in substantial energy saving measures for the dwellings which would significantly reduce the demand for energy from the development. The level of savings of this scheme is greatly in excess of the Policy requirement and as such is highly commended for the methods put forward to reduce energy consumption.

In addition to the above, all properties will benefit from an electric vehicle charging point to provide the future occupier with the equipment necessary should they operate or choose to operate an electric vehicle.

Officers are satisfied that this development provides excellent energy saving measures incorporated into the scheme which complies with Policies CC1, CC3 of the Local Plan and Policy W14 of the Whitnash Neighbourhood Plan.

Summary/Conclusion

Officers consider the proposed development would provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including landscaping and substantial areas of public open space.

There would be no harm arising in terms of neighbour amenity, highway safety or ecology and as such it is considered the scheme therefore complies with the policies listed. Accordingly Officers recommend that the reserved matters be approved.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 4208-20 Rev E, 4208-21 Rev D, 4208-22 Rev E, 4208-23 Rev D, 4208-24 Rev D, 4208-25 Rev D, 4208-26 Rev D, 4208-27 Rev D, 4208-28 Rev E, 4208-29 Rev D, 4208-30 Rev E, 4208-31 Rev E, 4208-35 Rev E, 4208-36 Rev E, 4208-37 Rev E, 4208-38 Rev E, 4208-39 Rev E, 4208-40 Rev F, 4208-41 Rev E, 4208-42 Rev B, 4208-43 Rev B, 4208-44 Rev B, 4208-45 Rev B, 4208-46 Rev C, 4208-47 Rev C, 4208-48 Rev

B, 4208-49 Rev B, 4208-50 Rev B, 4208-51 Rev B, 4208-52 Rev C, 4208-53 Rev C, 4208-54 Rev A, 4208-55 Rev A, 4208-56 Rev A, 4208-57 Rev A, 4208-58 Rev A, 4208-59 Rev A, 4208-68 Rev B, 4208-70 Rev A, 4208-71 Rev B, 4208-72 Rev B, 4208-80 Rev B, 4208-81 Rev B and 4208-82 Rev B, and specification contained therein, submitted on 8 February 2022 and approved drawing(s) 4208-11 Rev L, 4208-14 Rev E, 2228-21-01 P10, 2228-21-02 P5, 2228-21-03 P5, 2228-21-04 P5, 20376-03-1 Rev C, 20376-03-2 Rev C, 20376-03-3 Rev E, 20376-03-4 Rev C, 20376-03-5 Rev C, 20376-03-6 Rev D, 20376-03-7 Rev D, 20376-03-8 Rev D and 228-SK7, and specification contained therein, submitted on 28 November 2022.

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.

- 2 The development shall not be occupied until it has been laid out in general accordance with drawing no. 4208-11 Rev K Proposed Site Plan.

REASON: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 3 The construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.

REASON: To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 4 The construction of the estate roads serving the development including footways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority.

REASON: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 13 December 2022

Item Number: 5

Application No: [W 22 / 1238](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 01/09/22

Expiry Date: 01/12/22

01926 456531 Helena.Obremski@warwickdc.gov.uk

(a) Rosalind Franklin Laboratory, Harrison Way, Leamington Spa, CV31 1HH (b) Old Ford Foundry Car Park, behind Pets at Home: Unit 2B, Myton Road, CV31 3NY

Continued of use of the Rosalind Franklin Laboratory building (in sui generis use) to allow for its operation as a Very High Throughput Laboratory and associated activities (including Research & Development), retention of associated external works and landscaping; along with retention of associated works related to the continued use of the existing 'Old Ford Foundry car park' site in conjunction with the laboratory and including: installation of new lighting and drainage, CCTV, boundary fencing, bus shelter for park and ride facility, landscaping and associated works. FOR United Kingdom Health Security Agency

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

This application is submitted under a unique set of circumstances. As part of the Government's response to the COVID19 pandemic 'Jupiter project' was created in order to help meet the acute need for diagnostic testing at a large scale. In February 2021, the Department for Health and Social Care commenced use of the former Axiom building to deliver a Very High Throughput Laboratory with associated activities and parking in response to the pandemic. The site has been operational since June 2021 and had processed 7,316,401 tests at the point of submission of the application.

Planning permission was not required at that time, because the applicant was able to benefit from permitted development rights under the General Permitted Development Order under Part 19 (development by the Crown or for national security purposes) Class Q and QA (development by the Crown relating to a pandemic) which allows development which reduces, controls or mitigates the effects of a pandemic. These temporary permitted development rights will however cease in February 2023 and this application is submitted in order to continue the current laboratory use.

The application site is split across two separate locations as follows, and the following works have been carried out in order to facilitate the laboratory:

Former Axiom building, now known as the 'Rosalind Franklin Laboratory', located on Harrison Way:

- Change of use from warehouse (use class B8) to high throughput laboratory (sui generis);
- Installation of an entrance canopy to provide outdoor covered seating for staff;
- Installation of new/replacement tanks, plant and generators and sub-stations;
- Replacement of some of the bay doors with curtain walling;
- Opening up works to create appropriate access to the building and installation of vents/louvers;
- The installation of additional lighting;
- Installation of a security hut on the site;
- New 3m high security fencing; and
- CCTV.

The 'Old Ford Foundry Car Park', located on Myton Road / A452:

- Resurfacing of the car park and marking of 508 car parking spaces (including 11 accessible and 26 EV-ready spaces);
- Provision of a new drainage system;
- Shelter for bus shuttle;
- Replacement boundary fencing;
- Receptor mast for CCTV (for security purposes);
- New scheme of lighting and landscaping;
- Temporary removal of a small section of the northern end of existing bund, to allow for connection to the surface water drain, which has been re-landscaped and the minor removal of the bund has been reinstated.

Therefore, the application seeks planning permission for the continued use of the Rosalind Franklin Laboratory building (in sui generis use) to allow for its operation as a Very High Throughput Laboratory and associated activities (including research and development), retention of associated external works and landscaping. The proposal also includes the retention of associated works to allow the continued use of the existing Old Ford Foundry car park site in conjunction with the laboratory and the aforementioned works.

THE SITE AND ITS LOCATION

The "main" site comprises the Rosalind Franklin Laboratory (formerly the Axiom Building, a warehouse which was in B8 use prior to the change of use), with associated yard-space and plant. The site is approximately 4.4ha and located within an industrial area. It is bound by industrial uses and commercial activities. The nearest residential dwellings are located approximately 0.3km to the east and south of the site. There are no heritage assets on or near the site, and the site is not within a conservation area. The site is located in Flood Zone 1.

The application site also relates to a separate area of land, known as the "Old Ford Foundry car park". This was a 1.8ha vacant site, with a railway line and recycling centre to the north and residential properties to the west. This is being used as a car park to serve the Laboratory, with a park and ride facility for employees. The site benefits from existing landscaping along the northern, eastern and western boundaries and a number of the trees along the western boundary are subject to a Tree Preservation Order. There is an earth bund positioned to the west of the site. There are no designated heritage assets on, or near the site, and the site is not within a conservation area, although the very corner of the Canal Conservation Area lies to the north west of the site, and it is in Flood Zone 1.

RELEVANT PLANNING HISTORY

There are various previous applications relating to both sites. The Laboratory building was formerly used as a storage and distribution warehouse.

The Old Ford Foundry Car Park was a vacant car park, which was used as a lorry depot and car park in association with the former Ford Foundry to the east of the site. The Laboratory is a 20 minute walk from the car park.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- EC3 - Protecting Employment Land and Buildings
- EC1 - Directing New Employment Development
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE5 - Protection of Natural Resources
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS12 - Air Quality
- RLS13 - Traffic and Transport

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Neutral, supportive of this site as providing much-needed employment opportunities, and of the productive use of

this brownfield location. Supports requirements of the LLFA, WCC Highways and WCC Ecology.

Warwick Town Council: No comment.

Environmental Protection: No objection, subject to conditions.

Conservation Officer: No comment.

Network Rail: No objection.

Tree Officer: No objection.

WCC Landscape: No objection.

WCC LLFA: No objection, subject to conditions.

WCC Ecology: No objection.

Public Responses:

6 Objections:

- The parking survey is not compliant with the Vehicle Parking Standards SPD provisions that are unchanged by the LPA's agreement to a revised methodology for the parking survey for this application. It is not a true reflection of the parking situation on street.
- Issues of employees of Rosalind Franklin parking on nearby access road and directly on the junction, obstructing the pavement forcing pedestrians on the road and blocking visibility at the junction causing safety incidents. The application includes continued use of a Park & Ride car park, and neighbour suggests to prohibit any employee parking on local roads.
- Disturbance from employees sitting in cars with engine running in nearby residential streets.
- Old Ford Foundry Car Park - WDC has a duty of care to protect our community in Myton Crofts. The bund was put in place "to protect and enhance the amenities of the area and to provide a visual barrier protecting us from noise and pollution". Our amenity and protection has been affected since the removal of a significant part of the bund in 2017. Our previous requests to have the bund reinstated have been rejected and the protection that was afforded to residents when planning permission was given for the bund to be installed and subsequently increased in height has been taken away, leaving us as a community exposed. We would ask again that the bund be restored in full.

3 Neutral:

- Increased parking within Culworth Close from staff working at laboratory means residents are unable to park outside their homes;
- Requests reinstatement of the bund to support sound proofing to the neighbouring gardens and to promote wildlife. It should be protected.

ASSESSMENT

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

- Principle of the development;
- Design and layout;
- Impact on Heritage Assets;
- Impact on Amenity;
- Parking and Highway Safety;
- Ecological Impacts;
- Drainage;
- Air Quality;
- Contamination

Principle of the development

The change of use of the Laboratory site and associated development at the Old Ford Foundry site were in response to the COVID19 pandemic and the need to set up a large-scale testing facility within a short period of time. The change of use and associated development did not require planning permission and are considered as permitted development under Schedule 2, Part 19, Classes Q and QA of the General Permitted Development Order 2015 (as amended).

Local Plan policy EC3 states that outside town centres, the redevelopment or change of use of existing and committed employment land and buildings (Use Classes B1, B2 and B8) for other uses will not be permitted unless one or more of a number of criteria are met.

The former use of the site was B8, storage and distribution warehouse. The new use has principally a mixture of laboratory and research and development facilities. Whilst the use is confirmed as being sui generis, the site provides significant employment opportunities owing to the nature of the use, in fact more so than the previous use, in an established employment area. The supporting information confirms that when at full capacity, the laboratory will directly provide approximately 1,900 jobs. At present it provides approximately 800 jobs.

Moving forwards beyond the COVID19 pandemic, the site will still continue to provide a testing facility which would be available to respond to any future pandemics or similar threats. The supporting information also confirms that the Laboratory has a wide range of possible applications, building on this significant investment in the UK's laboratory skill-base and infrastructure to create a Centre of Excellence. Possibilities include a range of public-private partnerships and acting as a hub for engagement with partners from the Life Sciences industry. The supporting information also states that the Laboratory's triple helix partnership of clinicians, scientists and industry has the potential to develop new diagnostic technologies and further secures the Laboratory's status as a world-class laboratory. The applicant also intends to use the Laboratory to collaborate internationally by developing academic partnerships abroad.

Therefore the change of use accords with the principles of policy EC3.

Design and layout

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.

A number of alterations have been made to the Laboratory and Old Ford Foundry car park sites, as detailed above. This development mainly relates to functional changes required in order to facilitate the development, such as CCTV, lighting, plant and equipment and external alterations to the existing facades. The additional structures within the site boundaries are modest structures, generally of single storey.

At the Laboratory site, the majority of the changes are also positioned to the rear and side of the building, away from public vantage points. Moreover, the site is also located within an established industrial estate. It is noted that the fencing around the site is 3 metres high, which is somewhat higher than the fencing found within the surrounding area. However, given the security needs of the development, the rationale for this is accepted. It is not considered that when viewed against the backdrop of the existing building on the site, that the fencing is harmful in visual terms, particularly given that it is set back from the highway. The small extension to the building fronting the highway is considered to be acceptable.

One of the largest physical alterations to the Laboratory building is the installation of an external canopy to the western elevation. This is of some considerable size and not a common feature found on industrial style sheds. With that said, again this element is away from public vantage points and provides an interesting architectural feature to what is otherwise a bland building. Moreover, it has a functional purpose, by providing an external canteen and social area for employees whilst being sheltered from adverse weather.

Six trees were removed in order to facilitate the change of use, including providing space for additional structures within the site. These removals did not require any permission from the Council as they were not protected trees. There were also modest areas of removal of vegetation around the site boundary, most of which are not within public vantage points in order to ensure security and access to the site. The Council's Tree Officer was nevertheless consulted on the application and confirms that the proposed vegetation removals are modest, and the justification on safety grounds is compelling, and so has no objection to the application.

Replacement planting has been provided to the areas where vegetation has been removed, in the form of woodland whips and amenity scrub planting. This will ensure that the Laboratory site retains some soft edging strips, notably to the front elevation in the public domain, whilst ensuring the security of the site. WCC Landscape had queries regarding the species mix, which has been clarified by the applicant and they have no objection to the application and landscaping measures.

At the Old Ford Foundry car park, there are fewer alterations. The car park has been resurfaced and formally laid out as parking. A bus shelter has also been erected, along with additional lighting columns. Owing to the position of the site behind existing development, there are very few views of the site within the public domain. Notwithstanding this, the alterations to the car park have resulted in an overall improvement to what was an overgrown and under-utilised parcel of land. Additional woodland whip planting is proposed along the edge of the bund, along with pockets of additional amenity scrub and grassed areas. These modest landscape enhancements are welcomed.

The development is therefore considered to comply with Local Plan policy BE1.

Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 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 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 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 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. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The very corner of the Canal Conservation Area lies to the north west of the Old Ford Foundry Car Park. However, given that the use of the site has not changed, the limited physical alterations to the site and intervening features between the

site and Conservation Area, it is considered that the development has no material impact on the setting of the Conservation Area, thus preserving it.

It is noted that the Conservation Officer has no objection to the development.

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

In terms of the Laboratory site, the physical alterations and additional buildings around the site are not considered to impact detrimentally on residential amenity, owing to the distance of nearby residents to the site. There have been some concerns expressed by residents regarding parking associated with the Laboratory site on nearby residential streets, and this impacting on amenity. This is considered in more detail below.

The Environmental Health Officer notes that the applicant has carried out an operational noise assessment for the main laboratory site, considering noise from fixed and mobile plant (HGVs) at the site, and traffic on public roads. The assessment undertook a baseline noise survey performed in 2020 to define the background sound levels at the closest noise sensitive receptors. The sound emitted by the fixed and mobile plant was predicted at the closest receptors. The Rating Levels at the receptors are predicted not to exceed the background sound level during the day and night at the closest receptors and negligible impacts are predicted as a result of traffic flows generated by the development in the area.

The applicant has also carried out an operational noise assessment for the Old Ford Foundry Car Park considering i) car park noise during the evening and night-time period and ii) traffic on public roads. Negligible impacts are predicted as a result of traffic flows generated by the development in the area. The assessment of car park noise uses noise level predictions based on noise measurements of vehicles within a car park. The predicted LAeq from car park movements at the closest residential receptor on Myton Crofts is below relevant WHO daytime and night time guidance.

The Environmental Health Officer also recommends a condition limiting plant noise which has been agreed with the applicant and added.

The Environmental Health Officer confirms that the applicant has provided a Lighting Strategy including an ILE compliant lighting assessment, and they are satisfied that the assessment demonstrates the proposed lighting scheme is compliant with the relevant requirements.

The Environmental Health Officer states that a night time noise assessment is required in order to understand the impacts of deliveries in terms of potential disturbance to sensitive noise receptors. However, the site was previously used as a distribution centre, without any restrictions on the hours of deliveries to and from the site. The applicant states that the current use is also likely to have reduced the number of deliveries to and from the site. Officers note that the nearest neighbours are some 340m from the application site, which has been operating for some time, without any complaints being submitted to the Council on the grounds of noise disturbance. On this basis, is it not considered reasonable or necessary to require the provision of a night time noise survey or restrict the hours of delivery.

A separate matter which has been raised by some of the residents of Myton Crofts, positioned to the west of the Old Ford Foundry Car Park, relates to the earth bund positioned within the application site, adjacent to these properties. The neighbours have raised concerns about works undertaken without planning permission in 2017 which removed some of the bund and the impacts which this had on neighbouring amenity in terms of disturbance. The neighbours object to the scheme on this basis, stating that the bund was erected to protect amenity and act as a visual barrier from noise and pollution. The neighbours state that WDC has a duty of care to protect the community of Myton Crofts and have requested that the bund is restored in full.

However, only the impacts of the works associated with this application are materially relevant to its assessment. As set out above, the Environmental Health Officer has confirmed that the impacts of noise and light spill from the Old Ford Foundry Car Park are acceptable. The bund has only been marginally altered at the northern end to facilitate a new drainage system serving the site. The area of affected bund was reinstated to as it was previously, thus there have been no material changes to the bund. This was not the area of the bund which was affected under works which required permission in 2017, which was to the southern section of the bund.

Moreover, it should also be noted that a row of well established trees separates the site and the properties along Myton Crofts, which are protected by a TPO and the neighbours who have objected on this basis are some 60 metres from any of the car parking spaces, with the bund and TPO trees acting as intervening features. On this basis, the change of use of the Laboratory and associated use of the Old Ford Foundry Car Park are not demonstrated to have had an unacceptable impact on the neighbouring properties at Myton Crofts, and there is therefore no material reason to require that the applicant makes any alterations to the bund, which would be unreasonable.

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

Parking and highway safety

Highway Safety

Local Plan policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists,

public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users as appropriate. Proposals will be expected to demonstrate that they are not detrimental to highway safety, provide suitable access and circulation, create safe and secure layouts

Local Plan policy TR2 states that all large-scale developments 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.

Neighbourhood Plan policy RLS13 states that to make Royal Leamington Spa a cleaner, safer and healthier town, where appropriate, development proposals should address and contribute to the achievement of improvement schemes as set out in the policy.

The access arrangements for both sites have not been altered, however the majority of parking for the Laboratory site is served by the Old Ford Foundry Car Park site, with a shuttle bus service operating between the two.

The Transport Statement submitted with the application confirms that the trip generation of the Laboratory is dictated by the number of staff employed, and the shift schedules. The Transport Statement bases its assessment of the impacts of the Laboratory at full capacity. The staggered start and finish times for all shifts allows to minimise any potential impact on the highway network. The applicant confirms that a maximum of 600 staff would be on site at any given time, therefore this represents a maximum of 600 two-way trips generated by the Laboratory during the AM hours and the PM hours. They note that the observed proportion of staff driving to work is below 50% at present. Therefore, it is predicted that a maximum of 300 two-way vehicular trips would be generated by the Laboratory during the AM hours and the PM hours, which represents an average of 85 two-way vehicular trips per hour. This results in an average of one vehicular trip every 42 seconds across the whole highway network around the site. The Transport Statement concludes that this level of trip generation is not considered to have a significant impact on the highway network, particularly when the trip generation of the consented site land uses are discounted. Additionally, the number of servicing bays and parking bays has been reduced from previous consented land uses. This is likely to mean that the Laboratory will generate fewer delivery vehicle trips than previous consented land uses.

WCC Highways have assessed the Transport Statement and confirm that they are satisfied that the development proposals will not have a detrimental impact on the safety, operation or capacity of the local highway network, and have no objection to the application on this basis, subject to conditions which require that the occupier provides a full travel plan to promote sustainable transport methods to the site.

Given that the applicant has demonstrated that the development would not increase vehicular trips in comparison to the existing lawful uses of the site, it is not considered appropriate to require contributions to any highway schemes as set out within Neighbourhood Plan policy RLS13.

Parking

Local Plan policy TR3 requires that new development provides adequate parking, which would not be to the detriment of highway safety.

The Laboratory site provides 72 standard car parking spaces, 39 accessible spaces and 10 spaces for electric vehicles. Formerly the Axiom building had 261 spaces. In addition to the car parking provision, there is the capability to park 42 cycles on site within sheltered storage at the Laboratory. In order to provide sufficient parking for the site and its staff, the Old Ford Foundry car park provides approximately 508 car parking spaces and a shuttle bus service to the Laboratory site. 11 of the spaces are accessible and 26 of the spaces have electric vehicle charging infrastructure. Therefore, in total across the two sites there are 629 spaces available for use. There is also infrastructure installed to provide 10 e-bike charging stations at the Old Ford Foundry Car Park.

Owing to the unique nature of the development, there is no minimum parking requirement for the site in terms of the Council's Vehicle Parking Standards guidelines.

The 629 total parking spaces are more than the maximum 600 staff on site at any given time when at full capacity. However, the applicant advises that this parking provision ensures future proofing of the site, flexibility to adapt shift patterns as necessary, capacity for external visitors, and a secured parking space for every staff member. This will reduce the risk of overspill parking onto nearby streets in the form of on street parking which has been identified as a concern by neighbouring residents to the site.

5 members of the public have raised concerns regarding employees from the Laboratory parking within nearby streets, namely Juno Drive and Culworth Close. Juno Drive forms part of the industrial estate, whereas Culworth Close is a residential street. Neighbours consider that employees have increased parking stress and create highway safety concerns, and noise and disturbance.

Officers understand that during construction works parking, notably within the surrounding streets in the industrial estate, caused some access issues for other businesses in the area. However, contractors have withdrawn from the site and the land owner of the surrounding streets has introduced a parking control contractor, so it is understood that this matter is now resolved.

In terms of on street parking in nearby residential streets, the applicant was asked to carry out a parking survey and cross reference the number plates against records they hold on file for employee's vehicles in order to establish if employees from the Laboratory were parking outside of the dedicated car park. The residential area accessed from Culworth Close was surveyed on three separate dates in August 2022 at four separate intervals on each of those days (at 07:30, 13:30, 19:30 and 23:00). The results of the survey show that across these intervals, on one of the days, there were no employees parking in the nearby streets, on the second and third days there were between 0 - 2 employees at any one time parking in nearby streets. These streets had a capacity of 100 vehicles and at all times there were at least 50 available spaces for residents to park in.

Some of the members of the public who have commented on the application have suggested that the survey has not been carried out in accordance with the Vehicle Parking Standards. However, it must be remembered that the survey was not carried out in order to identify parking capacity, it was to measure the extent of any Laboratory staff parking within the nearby area, thus the requirements of the Vehicle Parking Standards do not strictly apply in this case. WCC Highways have confirmed that they are satisfied with the scope of the surveys in this regard.

In response to the results of the survey, the applicant has confirmed that the Laboratory is committed to implementing sustainable transport measures, which include:

- Actively encouraging employees and contractors to use local public transport (e.g. train or bus), car share, walk or use the cycle route between the offsite car park and laboratory. To promote this, there is the provision of cycle racks onsite;
- Employees and contractors who drive to work are actively discouraged from parking on local streets and encouraged to use the free parking and shuttle bus facilities at the offsite car park. This is in addition to accessible visitor parking onsite, which is also allocated to individuals dependent on their specific needs;
- As part of their induction process, all employees are provided with full details of on-site and off-site parking facilities and free shuttle bus; and
- The applicant regularly reminds employees of the travel options available and request they are considerate and respectful of our neighbours and local residents. This is done via frequent staff communications, e.g. newsletters and all-staff briefings.

Reviews of current vehicles using the Old Ford Foundry Car Park indicate that less than 50% of staff drive to work, which is lower than the 77% average reported in the area.

Given that the surveys show that there is minimal parking created as a result of the use of the site as a Laboratory and that there is ample available parking within nearby areas to accommodate parking in any event, Officers consider the parking arrangements to be acceptable. In order to ensure however that this matter is suitably monitored and controlled in the future, a condition has been added for the provision of a Travel Plan, with the expectation that this includes regular monitoring of the parking in nearby areas, a point of contact for nearby residents to liaise with from the Laboratory and actions which can be taken in the event that on street parking has an unacceptable impact on nearby residents.

It should also be remembered that whilst neighbours may assume that any individuals parking with the nearby streets may come from the Laboratory, they may be accessing other sites within the industrial estate given the findings from the surveys.

The development is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

Ecological Impacts

WCC Ecology have commented on the application, and note that a Preliminary Ecological Appraisal of both sites was carried out and a bat roof report was also provided. The bat survey identifies a bat roost within the existing substation at the Old Ford Foundry Car Park, and this building has been retained and protected from associated impacts such as lighting. Owing to the scale and nature of the works a biodiversity impact assessment is not required. Although it should be noted that there has been added tree planting within the Old Ford Foundry Car Park in any event.

The Defra MAGIC map identifies the bund area as NERC Act 41/ Priority Habitat Deciduous Woodland. The Ecologist queried whether any of this had been impacted by the drainage works, however, it was confirmed by the applicants that this was not the case and the Ecologist is content with these findings. The Ecologist has also confirmed that the lighting scheme is acceptable from an ecological perspective.

The development is therefore considered to be in accordance with Local Plan policies NE2 and NE3.

Drainage

Both of the application sites lie within Flood Zone 1, with the lowest probability of flood risk. Owing to the size of the sites and drainage details provided, the LLFA were consulted. Initially they objected to the application on the basis of inadequate information. Additional details were provided by the applicant which confirms that surface water drainage will be dealt with via connection to an existing surface water sewer. The LLFA have confirmed that they have no objection to the development on this basis, subject to conditions for the provision of a verification report for the surface water drainage system and a maintenance plan for the drainage. These have been added.

It is therefore considered that the development complies with Local Plan policies FW1 and FW2.

Air Quality

Neighbourhood Plan policy RLS12 states that any development that results in significant negative impacts, including cumulative impacts, on air quality within the Old Town Leamington Spa Air Quality Management Area should be supported by an air quality assessment and where necessary, a mitigation plan to demonstrate practical and effective measures to be taken to avoid the adverse impacts.

Warwick District Council has adopted an Air Quality Supplementary Planning Document (SPD) which establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment.

The applicant provided an Air Quality Assessment in support of the application and initially, the Environmental Health Officer queried the need for damage costs associated with the development owing to the scale of the sites. However, the applicant clarified that the reconfiguration of both the former distribution centre's (now the Laboratory) car park and the Old Ford Foundry Car Park has resulted in a reduction in the number of car parking spaces at each site when considered against the previously consented uses. The applicant also stated that this application demonstrates that it is providing sufficient car parking to meet the needs of the use, while also ensuring the number of vehicles travelling to and from each site will be less than would be possible under its previous consented land use, during the recognised peak periods. The applicant concludes that having regard to this, there would be no material air quality impacts associated with the change of use in comparison to the existing lawful use of the two sites.

The Environmental Health Officer accepts these points and therefore does not require additional information in regards to air quality.

Notwithstanding that there is no planning requirement to provide air quality mitigation measures, 10 electric vehicle charging spaces are provided at the Laboratory site and the infrastructure for 26 spaces has been provided at the Old Ford Foundry Car Park. Infrastructure for 10 e-bike charging stations is provided at the Old Ford Foundry Car Park. The interim Travel Plan provided with the application confirms that staff travel pattern monitoring will take place, and when a need has been demonstrated for electric vehicle / e-bike charging, the charging points will then be installed. This will be captured through the Full Travel Plan required by condition as set out above, so will be delivered as part of this application.

The development is therefore considered to be in accordance with Local Plan policy NE5.

Contamination

Environmental Health Officers note that the applicant has undertaken a preliminary risk assessment of both the laboratory site and the foundry car park site, and based on the information provided they agree that no further investigation or remediation is required at either site based on the proposed uses.

Conclusion

The proposed retention of the Laboratory and Old Ford Foundry Car Park is considered to represent an appropriate use of both sites, which do not have an unacceptable impact on neighbouring amenity, nor have an unacceptable impact on the highway network. Adequate parking arrangements are considered to have been provided, and will be monitored through use of a Travel Plan. It is highlighted that the scheme delivers the potential to provide a significant number of jobs within the District, and provides significant public health benefits in responding to the current and any future pandemics. For these reasons, subject to the conditions listed in the report, the application is recommended for approval.

CONDITIONS

- 1 The development hereby permitted relates strictly to the details shown on the site location plans and approved drawings:

Rosalind Franklin Laboratory:

MLAB1-HOK-ZZ-00-DR-A-111100 Rev P05 (site layout), MLAB1-HOK-ZZ-ZZ-DR-A-110001 Rev P05 (site plan), MLAB1-HOK-ZZ-ZZ-DR-A-113003 Rev P04 (elevations), MLAB1-HOK-ZZ-ZZ-DR-A-113002 Rev P04 (demolition), MLAB1-HOK-ZZ-ZZ-DR-A-114300 Rev P04 (entrance canopy details), MLAB1-HOK-ZZ-ZZ-DR-A-114303 Rev P04 (substation), MLAB1-WSP-XX-00-DR-L-000001 Rev P03 (vegetation removal), MLAB1-WSP-XX-00-DR-L-000004-PA Rev C04 (reinstatement planting), MLAB1-WSP-XX-00-DR-Y-999991 Rev P01 (security layout), MLAB1-WSP-ZZ-00-DR-PM-000019 Rev C03 (ethanol storage and compressor house layout), MLAB1-WSP-ZZ-00-DR-PM-000020 Rev C03 (ethanol storage and compressor house sections), and LUX,S,B Generic drawing Sheet 1. (barrier details) submitted on 27th July 2022, and

Old Ford Foundry Car Park:

CPAR1-WSP-C1-ST-DR-D-000100 Rev C03 (site layout) and CPAR1-WSP-C1-00-DR-L-000004PA Rev C05 (reinstatement planting) submitted on 27th July 2022,

and specification contained therein. **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.

- 2 Within three months of the date of this decision, a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (CPAR1-WSP-C1-ST-RP-0000001-P01) shall be submitted to and approved in writing by the Local Planning Authority by a suitably qualified independent drainage engineer for (a) The Rosalind Franklin Laboratory and (b) The Old Ford Foundry Car Park. 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.

The approved details and all measures therein shall be retained and maintained in perpetuity.

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

- 3 Within three months of the date of this decision, a detailed, site specific maintenance plan shall be submitted to and approved in writing by the

Local Planning Authority for site (a) The Rosalind Franklin Laboratory. Such maintenance plan should:

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.

The maintenance plan shall be implemented in full accordance with the approved details and all measures therein shall be retained and maintained in perpetuity.

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

- 4 Within one month of the date of this decision, the occupier must submit to the Local Planning Authority for approval details of the scope of a Full Travel Plan that promotes sustainable forms of access to the site and defines arrangements for monitoring parking associated with the use hereby approved. The scope of the Full Travel Plan shall include the specification of targets for mode share shifts to be achieved and a time period to achieve this. Within three months of the date of the approval of this scope the occupier must submit to the Local Planning Authority for approval a Full Travel Plan in accordance with the approved scope.

Reason: In order to reduce car travel and increase travel by more sustainable transport modes and to assist with the monitoring and management of on-street parking in nearby residential areas, in accordance with the requirements of the NPPF and Policy TR3 of the Warwick District Local Plan 2011 - 2029.

- 5 The Full Travel Plan approved under condition 4 shall be implemented and monitored in strict accordance with its terms. In the event of failing to meet these targets a revised Full Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to the site. The Full Travel Plan thereafter shall be implemented and reviewed annually with changes agreed with the Local Planning Authority.

Reason: In order to achieve a sustained reduction in car travel and increase travel by more sustainable transport modes in accordance with the requirements of the NPPF.

- 6 The use hereby permitted shall only operate if a minimum of 121 car parking spaces at the Rosalind Franklin Laboratory site and 508 car parking spaces at the car park known as 'Old Ford Foundry Car Park' (as shown on drawing CPAR1-WSP-C1-ST-DR-D-000100 Rev03) are available and remain available at all times for the use of employees of and visitors to the Rosalind Franklin Laboratory (identified on location plan MLAB1 -HOK -ZZ -ZZ -DR - A -110002 Rev P04) in accordance with the details contained within approved Travel Plan. **Reason:** To

ensure that adequate parking is provided for the site in accordance with the requirements of Policy TR3 of the Warwick District Local Plan 2011 - 2029.

- 7 The rating level of noise arising from the approved fixed plant and equipment shall not exceed the limits set out in the table shown on Page 2 as measured at the points identified in the noise monitoring location plan (Figure 1) appended to the letter dated 23 November 2022 (reference: 7008299.231122.SNHO). The rating level shall be determined in accordance with BS 4142:2014+A1:2019. **Reason:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 8 The hard landscaping works shall be completed in full accordance with the approved details within three months of the date of this permission; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following approval of this application. 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 in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 9 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted. All 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 (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 13 December 2022

Item Number: 6

Application No: [W 22 / 1509](#)

Town/Parish Council: Leamington Spa
Case Officer: Jonathan Gentry

Registration Date: 30/09/22

Expiry Date: 25/11/22

01926 456541 jonathan.gentry@warwickdc.gov.uk

5A Spencer Street, Leamington Spa, CV31 3NE

Proposed change of use from Nursery (Use Class E) to Learning Institution (Use Class F1) for provision of private education and associated external alterations.
FOR CDP

The application has been deferred to Planning Committee as the application relates to Spencer Yard, a WDC owned site.

RECOMMENDATION

Members are recommended to grant permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks planning consent for the change of use from a Nursery (Use Class E) to a Learning Institution (Use Class F1) for provision of private education and associated external alterations.

THE SITE AND ITS LOCATION

The application site contains a unit located on the north side of Spencer Street within the Leamington Spa Town Centre. The unit forms part of the wider Spencer Yard development site and redevelopment works to the property and its surrounds are already underway in accordance with previously consented schemes. The site is surrounded by various commercial uses typical of a Town Centre location.

PLANNING HISTORY

W/20/2134 - Extensions, alterations and change of use to office space (Use Class E) - Granted

W/21/1705 - Prior notification for a proposed change of use from Use Class E (Office) to Use Class F1a (Education) – Prior Approval Not Required

RELEVANT POLICIES

- National Planning Policy Framework
- [Warwick District Local Plan 2011-2029](#)
- PC0 - Prosperous Communities

- TCP1 - Protecting and Enhancing the Town Centres
- SC0 - Sustainable Communities
- HE1 - Protection of Statutory Heritage Assets
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS3 - Conservation Area
- RLS12 - Air Quality
- RLS13 - Traffic and Transport
- RLS16 - Royal Leamington Spa Town Centre
- RLS17 - Royal Leamington Spa Creative Quarter

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - Members raise no objection

WDC Conservation & Design - No comments

WDC Environmental Health - No objection on air quality grounds provided vehicle movements comparable to consented Class E/F1(a) uses.

WCC Ecological Services - Recommend advisory notes in relation to bats and nesting birds attached to any grant of consent.

ASSESSMENT

Principle of Development

In determining the principle of development at this site, both the loss of existing use and creation of proposed use are considered. Initially, the principle of the loss of the existing use will be assessed.

Application W/20/2134 granted consent for a wider site area encompassing the application site to adopt a Class E office use. Noting the previous use of No.5a as a nursery which also falls within Class E, no material change of use to this part of the site was generated. Subsequent Prior Approval submission W/21/1705 was given for conversion of the application site to a public school, Class F1.

The site does not fall within the designated Town Centre Employment Areas designated under Policy TC12, and as such the existing established Class E use is not specifically protected in this location.

Policy TC1 of the Warwick District Local Plan states that proposals for any of the main town centre uses will be permitted within town centres where they are of an appropriate scale in relation to the role and function of the town centre and provided that non-shopping proposals would not compromise its shopping function. Policy RLS17 of the Royal Leamington Spa Neighbourhood Plan outlines that proposals for development within the Royal Leamington Spa Creative Quarter, within which the application site falls, will be supported where they address set requirements and meet a list of prescribed uses.

Noting that the proposed development would not impact the shopping function of the town centre area, and would not result in the loss of a protected use within the site, the proposed educational use is considered acceptable with regards to Policy TC1. While the proposed use is not cited within Policy RLS17 of the Neighbourhood Plan, the character of the development would not notably differ from several of the specified uses, and would generally accord with the wider objective and purpose of this policy. Alongside this, it is noted that a highly comparable (albeit public as opposed to private) educational use may be lawfully established within the application site, a material consideration that should be attributed significant weight.

In principle therefore the proposed use is viewed acceptable in this location, subject to compliance with other relevant Local Plan policies.

Design and Impact on the Listed Building and 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 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 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.

The physical works proposed under this application are limited to very minor alterations to the fenestration layout and detailing of the scheme of extensions and alterations granted at the site under W/20/2134.

As a result, the proposed development is not viewed to result in any material impact upon the setting of the wider Conservation Area, suitably preserving its

special architectural and historic significance. The WDC Conservation Officer has raised no comments in respect of the proposed works accordingly. The proposed alterations to window layout and detailing are similarly considered acceptable in general design terms.

As a result, the proposal is considered to lie in accordance with the aforementioned policy considerations.

Impact of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide adequate living conditions for future occupiers

Policy BE3 of the Warwick District Local Plan seeks to ensure development proposals do not result in an adverse impact on the amenity of neighbouring residential dwellings or significantly impact the amenity of existing and future occupiers of the development site. This is also reflected in supplementary planning guidance with the 45 Degree Guideline SPD and the Residential Design Guide SPD. The requirements for private amenity space and separation distances are also outlined within the Residential Design Guide SPD.

Neighbouring Properties

The proposals do not propose any additional extensions to the property beyond those granted under W/20/2134, nor the creation of any new windows facing neighbouring dwellings. As a result, the scheme is not considered to result in any material amenity implications in terms of loss of light, loss of outlook or loss of privacy for neighbouring uses. No additional noise or other disturbance as a result of the proposed educational use is identified above the established use of the site as a nursery, or the previously consented use as an office space. In addition, the proposed use, given the context of the application site, is not considered to be of a type that would generate unacceptable noise levels to surrounding units.

Future Occupiers

The site is located within a Town Centre location, though it is noted it is towards the edge of the Town Centre. Surrounding uses are of a mix of residential, commercial and office uses. As such, it is considered that the surrounding units are unlikely to generate a level of noise unacceptable to an educational use.

All habitable spaces within the converted building are assessed by Officers to present appropriate provision of natural light and outlook for future users.

With consideration to the above the development is considered to comply with Policy BE3 of the Local Plan.

Parking and Highway Safety

Policy TR3 of the Warwick Local Plan seeks to ensure parking provision associated with development proposals is reflective of the local area, and is in accordance with the Parking Standards SPD. Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety.

While there are a small number of parking spaces associated with the wider development site, the application property does not benefit from a separate, private parking provision. It is however noted that this is unchanged from the established nursery use, and the consented Class E office use of the site. Furthermore a prior approval submission for use of the site as a public school was found acceptable in regards of accessibility and transport and resultantly granted. Noting that the proposed education use would generate similar user levels as the previous and consented uses, it is viewed unreasonable to resist the proposed change of use for this reason. High levels of accessibility to public transport and other infrastructure are also noted, given the central location of the site. The Highway Authority have raised no objection to the proposed scheme, noting that it is not considered the revised proposals will result in an adverse effect on the surrounding Highway Network.

Access arrangements to the site would be unchanged from its previous and consented uses and are thus considered acceptable.

In view of this assessment, the proposed scheme is considered to appropriately accord with Local Plan Policy TR1 and TR3.

Air Quality

Policy TR2 of the Development Plan and Policy RLS12 of the Royal Leamington Spa Neighbourhood Plan state that any development that results in significant negative impacts, including cumulative impacts, on air quality within the Old Town Leamington Spa Air Quality Management Area should be supported by an air quality assessment and, where necessary, a mitigation plan.

The WDC Environmental Health Officer commented on the proposed development, highlighting that the site lies within an existing Air Quality Management Area, that covers Bath Street, High Street, Clemens Street, and Spencer Street in part. This means that any development should be carefully considered with regards to potential air quality implications. It was noted that the proposed educational use is likely to be comparable to the established nursery use of the site under Class E, and highly similar to the educational use (for a Public School) granted under prior approval submission W/21/1705. As such it is viewed that the proposed change of use in this instance will not result in any material change to traffic movement levels associated with other lawful uses of the application site. As such the proposed development is considered acceptable in this regard.

Ecology

Policy NE2 of the Local Plan seeks to protect designated biodiversity assets and protected species, ensuring they are not adversely impacted by development proposals.

The consultee County Ecologist commented on the application submission, noting that previously approved wider works to the site have secured necessary ecological interventions. As a result, their recommendation was limited to advisory notes in relation to bats and nesting birds. Noting that the only physical changes proposed under this submission relate to minor revisions to fenestration layout and detailing, this approach is considered reasonable and proportionate.

In view of this, the development is considered to lie in accordance with Policy NE2 of the Local Plan.

Climate Change

Local Plan Policy CC1 states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of adaptation measures where appropriate.

As per the previous approval under W/20/2134, the converted nursery would feature the installation of photovoltaic panels to its roof in order to provide localised and sustainable on-site power generation. The inclusion of this measure, alongside previously approved wider works to refurbish and convert the building that would enhance its sustainable characteristics are supported in accordance with Policy CC1. The development is considered acceptable in this regard.

SUMMARY/CONCLUSION

For the reasons outlined above, Members are recommended to grant permission for the proposed works, subject to noted conditions.

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 approved site location plan '2362.00.05-P' and drawings '2362.02.1100-T2', '2362.02.1101-C', '2362.02.1102-C', '2362.02.1200-C', '2362.02.1201-C' submitted on the 15th September 2022, and specification contained therein.
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.
