

Planning Committee: 9 October 2018

Item Number: 16

Application No: [W 17 / 2398](#)

Town/Parish Council: Burton Green
Case Officer: Debbie Prince

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Red Lane, Burton Green, Kenilworth, CV8 1PF
Construction of new Village Hall FOR Cheryl Wall

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

RECOMMENDATION

That planning permission be granted subject to conditions

DETAILS OF THE DEVELOPMENT

The proposal involves the construction of a new village hall for Burton Green with car park, boules pitch and outside recreation area to replace the existing hall which is due for demolition to make way for the construction of the high speed railway HS2.

THE SITE AND ITS LOCATION

The application area is an agricultural field which slopes towards the existing route of The Greenway cycle and bridleway and the route of HS2. The site is also located in the Green Belt and the HS2 safeguarding area on the north eastern side of Red Lane between the mobile homes at Broadwells Wood and a row of houses at the northern end of the road.

PLANNING HISTORY

The site has been included in the High Speed Rail (London – West Midlands) Act 2017 as the location for the new Village Hall.

RELEVANT POLICIES

- National Planning Policy Framework
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)

- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- CT1 - Directing New Meeting Places, Tourism, Leisure, Cultural and Sports Development (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)

SUMMARY OF REPRESENTATIONS

Burton Green Parish Council supports the application subject to conditions.

WCC Archaeology - No objection subject to conditions

HS2 Safeguarding- has no objection

WDC Environmental Health - Has no objection subject to conditions

WCC Archaeology- No objection subject to conditions

WCC Flood Risk Management - Objects on the grounds of lack of information. They do however suggest that the issues can be covered by the imposition of conditions.

WCC Ecology - Holding objection subject to conditions being met to demonstrate that there will be no significant loss to biodiversity

WCC Highways - No objection subject to conditions

Severn Trent Water- No objection subject to conditions

Public Response:

5 objections have been received on the grounds of :-

- Lack of consultation
- Noise and light pollution
- Impact on neighbours
- Highways and Road Safety
- Impact on the rural landscape
- Site Security
- Intensification of use
- Orientation of building needs to be changed.
- Access needs to be combined with the access to the "Cala Homes" site.

1 comment was received suggesting that the design of the hall should be more contemporary and that it should include a Common Room and lettable offices.

ASSESSMENT

Background

The Community of Burton Green have been greatly affected by the route of HS2 which cuts through the centre of the village. One of the major impacts is the loss of the existing village hall which is an important community facility and it is imperative that the new facility is built before the other is commandeered by HS2 to ensure that the activities that take place and community bodies that use the hall have some continuity. The proposed site was selected by HS2 and is covered by the Act (High Speed Rail (London – West Midlands) Act 2017). Therefore in effect the village hall has deemed outline permission.

Principle of Development

The site for the new Village Hall was selected during the Hybrid Bill process for the HS2 project in 2015, and replaced the previously identified site at Hob Lane. The Hybrid Bill for phase one received Royal Assent on February 23rd 2017. Although the site is in the Green Belt it is now identified in the High Speed Rail (London – West Midlands) Act 2017 as the location for the new Village Hall. Section 2.2 and Chapter 3 of the HS2 Supplemental Environmental Statement and Additional Provision 2 Environmental Statement (July 2015) provide full background and assessment of the changes to the scheme which relocated the Village Hall to the site at Red Lane. The factors amount to the very special circumstances necessary to grant Planning Permission, as the development has already been assessed in the Environmental Statement and is committed in the Act itself.

Neighbours Amenity

The nearest residential property to the north of the site is "Stonegate". The new village hall would be located approximately 70m away from this property with intervening landscaping and the vehicular access 20m away. To the south lies the properties at Broadwells Woods, the closest being approximately 48m from the village hall and 36m to the boules area. The applicants have carried out a Community Engagement exercise regarding the design of the hall and neighbours were involved in this. However, there are a number of neighbours who feel that their suggestions were not considered and are still concerned that the orientation of the building and the location of the car park could give rise to unacceptable noise nuisance and possibly light pollution. Therefore, the Environmental Health Officer has investigated their concerns thoroughly. Following these further investigations the Environmental Health Officer has subsequently concluded that subject to the construction of an acoustic bank and fence on the northern side of the car park and other conditions that would protect the amenity of residents at Broadwells Wood there would be no significant harm to the neighbours amenity.

Highways

The Highway Authority has no objections subject to conditions and have stated that the applicants have demonstrated that the highway network can adequately accommodate the traffic movements likely to be generated by the proposal and that suitable visibility splays can be achieved.

Furthermore, the number of car parking spaces provided is acceptable and is in accordance with the District Council's current parking standards. A condition

requiring the installation of a "goal post" style barrier rather than the barrier originally proposed at the entrance to the car park would provide security without causing the unnecessary queuing of traffic on the highway.

Low Emissions

A condition will be added to secure electric charging points as required by the Council's Low Emissions Strategy.

Design and Landscape

The proposed design of the hall is contemporary but is considered acceptable in this location being surrounded by a variety of residential properties including mobile homes and a proposed residential development on the opposite side of Red Lane by Cala Homes.

The landscaping scheme has been amended to reflect the character of Red Lane and give better cohesion. This scheme is now acceptable and will serve to provide an attractive setting for the village hall.

Ecology and Archaeology

The application site is an arable field surrounded by hedgerows. The building of the hall would mean there is a residual habitat loss. The NPPF states:-

"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

However, the applicants have demonstrated that the proposed landscaping scheme would serve to adequately compensate for this loss and would further result in a biodiversity gain.

The proposed development lies within an area of archaeological potential and there is a possibility that the proposed development would disturb archaeological deposits pre-dating the medieval and later agricultural use of this area. Therefore conditions have been imposed to ensure that there is a strategy to mitigate any impact on the archaeology of the area.

Conclusion

The applicants have demonstrated unique and very special circumstances for the location of this development within the Green Belt. The proposal is therefore considered acceptable in principle and is considered an appropriate form of development for the site. The proposal would also respect the character of the local area and its design and layout would not have an adverse impact on neighbours' amenity sufficient to warrant refusal. Matters of access, car parking, landscaping and the impact on archaeological potential are considered acceptable subject to conditions. For these reasons, Officers recommend that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 3131/03D, 3131/04, 3131/05, 3131/06, LEHE 24-001, Impact Acoustics Assessment Report and specification contained therein, submitted on 1st August 2018, 21st December 2017, 2nd August 2018 and November 2017 respectively. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 No development shall take place within the application site, unless and until:
 - (a) a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority;
 - (b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork shall be submitted to the planning authority; and
 - (c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation

analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

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

- 5 The development hereby permitted shall not commence until details of the acoustic fence and earth bund have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the fence and bund have been installed in strict accordance with the approved details. The fence and bund shall be retained at all times thereafter. **REASON:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 6 Prior to commencement of the development a scheme for the proper disposal of foul sewage from the site shall be submitted to and agreed in writing with the Local Planning Authority. **Reason:** To ensure that the proposal is built in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 7 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 8 The development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which shall have been submitted to and approved in writing by the local planning authority. The scheme shall include
 - i) Cross-sections of the swale or permeable paving features have been provided to demonstrate design in accordance with CIRIA C753, The SuDs manual.
 - ii) Demonstrate the performance of any drainage for a range of return periods up to the 1 in 100 year plus climate change event
 - iii) Demonstrate that consideration has been given to any exceedance

flow and overland flow routing.

iv) Evidence for the ongoing management and maintenance of any drainage features for the lifetime of the development.

The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details.

REASON: To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

9 The development shall not be occupied until:

(a) a scheme has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority to improve public highway C15 D Red Lane by means of providing an uncontrolled pedestrian crossing facility linking to the footpath on the opposite side of Red lane from the proposal; and

(b) the pedestrian crossing approved under (a) has been installed in strict accordance with the approved details.

REASON: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

10 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site measuring 2.4 x 120m to the east and 2.4 x 150m to the junction of Red Lane and Cromwell Lane to the west in strict accordance with submitted drawing 19405-02 (appendix D of the transport statement). No structure, tree or shrub shall be erected planted or retained within the splays exceeding or likely to exceed at maturity a height of 0.6 metres above the level of the public highway carriageway. **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.

11 The development shall not be occupied until an access for vehicles has been provided to the site not less than 5.5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **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.

12 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway. **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.

13 The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway 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.

14 Prior to occupation the a goal post style barrier for the vehicular access shall be installed in strict accordance with details that shall have been submitted to and approved in writing by the Local planning Authority. The barrier shall be retained at all times thereafter. **REASON:** To ensure that the proposal is built in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

15 Noise arising from any plant or equipment at these premises , when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) measured as LAeq(5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level

Any combustion plant at the premises must be designed, installed and operated to avoid emission of smoke, dust, fumes or odours causing nuisance to neighbours.

REASON: To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

16 No person shall use and no activity shall take place on any outside area of the site after before 0700 hours of after 2200 hours on any day.
REASON: The outside recreation area is located near to residential properties and the local planning authority considers it necessary to strictly control the nature and intensity of use of this area in the interests of the amenities of the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
