

Planning Committee Wednesday 8 November 2023

A meeting of the above Committee will be held at Shire Hall, Market Place, Warwick on Wednesday 8 November 2023, at 6.00pm.

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

Councillor M Collins
Councillor L Cron
Councillor R Dickson
Councillor B Gifford
Councillor R Kang
Councillor M Luckhurst

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

Emergency Procedure

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

Agenda Part A – General

1. Apologies & Substitutes

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

2. Declarations of Interest

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

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

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

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

3. **Site Visits**

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

Part B – Planning Applications

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

4. **W/22/2017 – Barns on Pit Hill, Bubbenhall (Pages 1 to 18)**
5. **W/23/0740 - 4b Fieldgate Lane, Kenilworth (Pages 1 to 8)**
6. **W/23/0880 – Land south of Stoneleigh Road, Stoneleigh (Pages 1 to 33)**
7. **W/23/0988 – The Old Nursery, 6, Mill Road, Royal Leamington Spa (Pages 1 to 13)**

Part C – Other matters

8. **Probity in Planning**

To consider a report from the Head of Governance & Monitoring Officer
(Pages 1 to 15)

9. **Appeals Report (To follow)**

Please note:

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

General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

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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Planning Committee: 08 November 2023

Item Number: 4

Application No: [W 22 / 2017](#)

Town/Parish Council: Bubbenhall

Registration Date: 27/01/23

Case Officer:

Adam Walker

Expiry Date: 24/03/23

01926 456541 adam.walker@warwickdc.gov.uk

Barns on Pit Hill, Bubbenhall, CV8 3BD

Part demolition of existing farm buildings; Change of use and external alterations of retained building for the purpose of a place of worship (Use Class F1) and formation of new vehicular access. FOR c/o Frampton Town Planning Ltd.

This application is being presented to Planning Committee as more than five representations have been received in support of the application and it is recommended for refusal.

RECOMMENDATION

It is recommended that the Planning Committee refuse the application for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The application seeks full planning permission for the part demolition of the existing farm buildings and change of use and external alterations of the retained building for the purpose of a place of worship (Use Class F1) along with the formation of a new vehicular access off Pit Hill.

The application proposes the demolition of the larger of the two existing barns, which has permission for conversion to provide five dwellings. The smaller of the two barns would be partially demolished, reducing its area to 1126.3sq.m, with a door and entrance canopy created. Internally, the building would be divided to provide a foyer and main hall alongside toilet facilities and storage space. A bat loft is proposed within the ceiling void. Externally, the building would retain the existing structure and be faced in a brick plinth with timber weather boarding above. The existing asbestos roof would be replaced with a corrugated metal roof.

The existing farmyard would be landscaped to provide parking for 36 cars including two disabled spaces and two electric vehicle charging points (EVCPs). The area surrounding the parking would be laid to grass with hedgerow planting. The boundaries of the site would be formed by a 1.0m timber fence on the boundary with Pitt Hill and a 1.80m high timber fence along the northeast and southwest boundaries.

A new vehicular access would be created onto Pit Hill.

THE SITE AND ITS LOCATION

The application site lies towards the southwestern edge of the village of Bubbenhall and comprises of two agricultural barns and a yard area. The barn buildings are constructed with a frame and concrete block construction with cladding and corrugated sheeting. The site is largely enclosed by timber post and rail fencing and there is an area of grass and shrub planting towards the road frontage on Pit Hill. The existing access for the farmyard is via a gated track off Pit Hill, but this access does not form part of the application site boundary.

To the northeast of the site are a small collection of residential properties and to the northwestern boundary is an open field with a residential property beyond. Set to the southwest are existing residential properties separated from the site by an open field.

The site lies just outside of the Bubbenhall Conservation Area, the boundary of which is located a short distance to the northeast. The conservation area extends to the north of the site as well as to the south on the opposite side of Pit Hill.

The application site and the surrounding area (including the village of Bubbenhall) lies within the West Midlands Green Belt.

Two Public Rights of Way (recorded as 137/W153/1 and 137/W153a/1) cross the site.

PLANNING HISTORY

W/19/1531: Notification for Prior Approval for a proposed change of use of Agricultural building to 5no. dwelling houses (Class C3). Decision: Appeal Against Non-Determination Allowed.

W/22/0250: Lawful Development Certificate to confirm works proposed under Prior Approval Notification W/19/1531 comply with Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. Decision: Approved.

W/22/1465: Application for Prior Approval under Schedule 2, Part 3, Class Q (a) and (b) for proposed change of use of agricultural building to a dwelling house (Use Class C3) and associated external alterations. Decision: Prior Approval not required.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development
- BE1 - Layout and Design
- BE3 - Amenity
- BE4 - Converting Rural Buildings
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HS1 - Healthy, Safe and Inclusive Communities

- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- TR1 - Access and Choice
- TR3 - Parking
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- SC0 - Sustainable Communities
- DS18 - Green Belt
- Guidance Documents
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)
- Baginton & Bubbenhall Neighbourhood Plan 2018-2029
- BUB3 - Provision and Protection of Facilities and Services
- G1 - Protecting and Enhancing Local Landscape Character
- G2 - Protecting and Enhancing Local Biodiversity, Wildlife and Habitats
- G4 - Traffic Management and Transport Improvements

SUMMARY OF REPRESENTATIONS

Bubbenhall Parish Council: Objection

Three responses have been received, summarised below:

- Environmental impact in terms of volume of traffic and carbon emissions.
- The proposed access is awkwardly positioned, at a blind corner in a busy narrow road.
- The meeting room would have a capacity of 150 people with no public transport at the designated meeting times. The congestion and potential for accidents, parking on roads and danger to pedestrians and cyclists make this a highly undesirable development.
- The application does not comply with LP Policy CT1 as it is not accessible using sustainable forms of transport and is not designed to serve the majority of the local community.
- The development is not designed to serve the majority of the local community in Bubbenhall.
- The application does not comply with NDP Policy BUB3 – the proposal does not meet the needs of the population, adopt an appropriate design or ensure accessibility for all.
- The application does not comply with NDP Policy BUB2 – the proposal’s austere windowless façade and metal roof, bordered on two sides by a 1.8 metre timber fence does not respect and enhance its Green Belt setting and its location close to the Conservation Area and the award-winning Spout Garden, a grant-aided project carried out by villagers between 2006 and 2010.
- Harm to neighbouring living conditions in terms of glare of car headlights and noise.
- There have been several car crashes in the vicinity of the site and the junctions are dangerous.

- The DTA report makes it clear that the majority of the congregation will attend in family cars and will not be for the few families within the village and nearby.
- The Plymouth Brethren could use the village hall but have declined to do so.
- Harmful impact on the Right of Way through the site and risks to users where it is proposed to emerge on Pitt Hill.
- Proposed perimeter fencing will block footpath 137/W153a/1 (not to be confused with footpath 153, which runs across the north of the site).
- Surface water drainage concerns
- Impact on badgers due to the fencing.
- The proposal would have zero benefit to the village community.
- It would be an exclusive development for a minor group of residents. It also appears to be planned as an attraction for visitors of similar mind from elsewhere to meet together with no interaction with the wider village community.
- Planning policies state that new community facilities meet the needs of the (local) population. They should be open to all, including all differing religions. The development does not appear to provide a welcome for all those diversities.

Cllr Pam Redford: Objection on the following grounds:

- Concerns regarding safety of vehicle access
- Concerns regarding volume of traffic
- Contravention of LP Policy CT1
- The development would not serve the majority of the local community and is not accessible by sustainable forms of transport.
- The lack of parking could lead to parking along Pit Hill, an unsuitable narrow lane.
- The design is neither complimentary to the street scene or conducive to the conservation area or the openness of the Green Belt.
- Concerns regarding the Public Right of Way

Lead Local Flood Authority: Objection: The information submitted does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

The applicant has provided additional information to address the objection from the LLFA (18/10/23). A response from the LLFA is awaited at the time of writing and will be reported to Members in the Adobs Report.

WCC Rights of Way: No objection to the proposals and the proposed diversion of public footpath W153. The proposed diversion will require a legal order, and this should also include a diversion of public footpath W153a to address an obstruction by the proposed fence.

WCC Highways Authority: No objection, subject to conditions.

WCC Ecology: No objection, subject to conditions regarding submission of a detailed schedule of habitat and species enhancement measures to result in a

biodiversity net gain, a detailed schedule of bat mitigation measures and details of external lighting.

Environmental Health Officer: No objection, subject to conditions regarding installation of 2 EVCPs and plant noise limits.

Conservation Officer: No objection

Waste Management: No objection

Warwickshire Fire & Rescue Service: No objection, subject to a note regarding access.

Public Response:

119 objections have been received on the following grounds:

- Proposal will serve a very limited proportion of the local community
- Development is not accessible to the local community - conflicts with Policy BUB3
- Development goes against the Neighbourhood Development Plan and excludes the vast majority of residents
- Would not benefit the village socially or economically
- Would affect community cohesion
- There are already similar facilities elsewhere in the area; not a need for the proposal
- Outside the 'Infill Village Boundary' for Bubbenhall
- Detrimental impact on Conservation Area
- Out of keeping and out of character with the village
- Site should be used for housing as per previous consent; this is a more appropriate and beneficial use of the site. Affordable housing is needed.
- Disruption to the village
- Development would not add any value to the village or benefit local residents
- Does not comply with local and national policies
- The site is not surrounded by grazing land, contrary to what is stated in the submission. The land is actually in environmental stewardship
- Loss of hedgerow
- Impact on wildlife and ecology, including bats and birds
- Traffic survey is not a representative snap shot
- Increase in traffic and congestion - impact on highway safety
- Unsuitable access from Pit Hill
- Access to the site is dangerous; access can only be off a narrow lane leading into the village which has no pavements and is on a busy blind bend
- Narrow lanes through the village with minimal safe walking opportunities
- Question the need for a 36 space car park if proposal is for local community
- Unsustainable location for the proposal; poor public transport and walking links. Development reliant on cars.
- Visual harm
- Visual impact of proposed 1.8m fencing
- Inappropriate development in Green Belt
- Harm to the openness of the Green Belt and the purposes of including land within it. No 'very special circumstances' exist

- Light pollution; car park will need to be floodlit
- Noise
- Pollution from traffic
- Impact on residential amenity, especially with 0600 hours start on Sunday mornings
- Traffic and noise assessment is based on 150 congregants - this could increase in the future
- Inaccuracies in the Transport Appraisal
- Overbearing and dominating impact on surroundings and adjacent property
- Drainage Statement is vague; concern with intentions for foul sewage
- Already a village hall in the village that could be used
- Unclear how the footpath diversion will be achieved

14 support comments have been received on the following grounds:

- Ideal location for the proposal; many other sites have been considered
- There is a need for a such a facility in this location; the number of Brethren in the village is increasing
- Development complies with paragraph 93 of the NPPF, providing a sustainable community use for the site
- Existing site is not naturally attractive, especially on the approach to the village. Proposal would improve aesthetics of the area
- Good use of a derelict site
- Improve the appearance of the site with new hedges and green space and reduce building mass within the Green Belt
- Proposal would greatly cut down the travelling required to meet in other locations, reducing traffic and carbon footprint
- No negative impacts from this small project, either socially or environmentally
- Anyone attending the site would not need to drive through the village
- Brethren meeting halls are well maintained
- Investment in the new church should be welcomed
- The Brethren community are involved in local charity work and community tasks/activities
- Proposed meeting room could potentially house another defibrillator for the local community

Members of the public are welcome to attend and hear a gospel

ASSESSMENT

Proposed Use

The application seeks to redevelop the site for use as a place of worship.

The original description of development referred to the proposed use of the site as a "meeting room". However, it was clarified that this reflected the fact that the facility is for use by the Brethren community, who use this term for their place of religious worship. As such, the proposed use falls within Use Class F1. For the avoidance of doubt, the description of development was subsequently amended to refer to a place of worship.

The supporting information confirms that the facility would be used for prayer, bible readings and assembly. No ancillary functions would be held. The frequency of meetings would be:

- Each Sunday morning
- Monday evening
- Occasional meetings on Sunday afternoons and other weekday evenings.

The Planning Statement advises that The Leamington Gospel Hall Trust has a specific local need for a community facility in the form of a small place of worship in Bubbenhall. The Trust uses a large sized premise in Baginton which is used throughout the week for larger meetings. Affiliated Trusts also own other premises such as that at Burton Green for weekly provision of smaller occasions where approximately 50 people will meet.

The Planning Statement also advises that Leamington Gospel Hall Trust is based in Bubbenhall and surrounding parishes and is seeking a new place of worship for communicants who live in close proximity to Bubbenhall to worship together as a community. It is stated that there are 15 families currently living near the site which the proposal would predominantly cater for.

Principle of development

Policy context

At the heart of the National Planning Policy Framework is the presumption in favour of sustainable development. Paragraph 8 states that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These are economic, social and environmental objectives.

The NPPF, at paragraph 84, under the heading '*supporting a prosperous rural economy*' states that planning policies should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship. At paragraph 93, under the heading '*promoting healthy and safe communities*' the NPPF states that to provide the social, recreational, and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as places of worship) and other local services to enhance the sustainability of communities and residential environments.

Strategic Policy DS5 of the Local Plan (Presumption in Favour of Sustainable Development) states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework, seeking to secure development that improves the economic, social and environmental conditions in the area.

Policy SC0 of the Local Plan (Sustainable Communities) states that new development should ensure it is brought forward in a way which enables strong communities to be formed and sustained. Sub-section f) states development

should provide good access to community facilities including meeting places, local shops transport services, health facilities and open space.

Policy HS1 (Healthy, Safe and Inclusive Communities) states that the potential for creating healthy, safe and inclusive communities will be taken into account when considering all development proposals. Support will be given to proposals that, *inter alia*, provide good access to local shops, employment opportunities, services, schools and community facilities.

Local Plan Policy HS6 (Creating Healthy Communities) states that development proposals will be permitted provided that they address a number of key requirements associated with delivering health benefits to the community. These key requirements include opportunities for incidental healthy exercise including safe and convenient walking and cycling networks and opportunities for community cohesion by the provision of accessible services and community facilities and places and opportunities for people to interact regardless of age, health or disability.

Objectors and the Parish Council consider that the application should be considered against Policy CT1 of the Local Plan. Policy CT1 is titled 'Directing New Meeting Places, Tourism, Leisure, Cultural and Sports Development'. This policy specifically relates to 'main town centre uses', which are defined in the NPPF and Local Plan. Places of worship are not listed within the main town centre uses within the NPPF and Local Plan and as such Policy CT1 of the Local Plan is not considered to be applicable to the proposal.

The application site is within the designated neighbourhood area of the Baginton and Bubbenhall Neighbourhood Development Plan (BBNDP). Policy BUB3 relates to provision and protection of facilities and services and states that new community facilities will be supported where they:

- Demonstrate that they meet the needs of the population, and
- Adopt a design that is appropriate to a village location in terms of scale, siting and massing, and
- Ensure accessibility for all.

Assessment

The overarching aim of the NPPF and Local Plan Policy DS5 is to deliver sustainable development. Paragraphs 84 and 93 of the NPPF and Policies SC0, HS1 and HS6 specifically seek to ensure that communities have good access to community facilities, which include places of worship. This allows for the social objective of sustainable development to be met with accessible services and facilities that support communities' health, social and cultural well-being. Accessible facilities also allow for the environmental objective of sustainable development to be met through minimising pollution and mitigating and adapting to climate change by facilitating patterns of sustainable travel.

It is noteworthy that both paragraphs 84 and 93 of the NPPF refer specifically to local services and that the services referred to are therefore intended for the local community.

Policy BUB3 of the BBNDP states that new community facilities should demonstrate that they meet the needs of the local population and ensure accessibility for all.

The submitted Planning Statement states that the proposed place of worship would serve 15 families currently living near the site, although an appendix to that statement indicates that only four are located within the village of Bubbenhall with one being on Weston Lane within the wider Bubbenhall area. This figure is broadly in line with the comments from members of the public in support of the application, with eight supporting comments from Plymouth Brethren who appear to reside at seven addresses in Bubbenhall.

The submitted Transport Appraisal states that a congregation of 150 people would be expected on Sundays and occasionally on Fridays. This would suggest that the vast majority of the congregation would not reside in the village, as does the comment within that statement which states, "the majority of the congregation will attend as families in private cars". The Planning Statement also states that the proposed place of worship is expected to result in around 40—50 vehicular movements.

The village of Bubbenhall is relatively small with poor public transport accessibility, with a limited bus service serving the village and particularly at the main times when the facility is proposed to be used. It is therefore not considered to be a sustainable location for a new community facility where it would appear that the majority of the attendees would be reliant on private vehicles to access the site, thus contributing to increased traffic congestion, air pollution and greenhouse gas emissions within the district. There are also limited other facilities within the village, which limits opportunities for linked trips - which is a feature of more sustainable locations. This goes against the NPPF's and the Local Plan's goal of promoting sustainable transportation patterns.

It is acknowledged that the site would be accessible by walking and cycling to those members of the Brethren community that reside within and very close to the village, thus negating trips that are currently occurring to other meeting places. However, this is a very limited benefit. Furthermore, the vast majority of trips to the site are unlikely to be achievable by active means of travel which limits opportunities for incidental healthy exercise, which is inconsistent with one of the key principles within Policy HS6.

Turning to the use of the facility in the context of Policy BUB3 of the BBNDP, the proposal would serve members of the Gospel Hall Trust only, and whilst Plymouth Brethren have stated in supportive comments that 'any person, if rightly disposed, that wished to hear the Gospel', could attend Gospel preaching, there would be no wider community benefits in terms of accessibility to the building when a religious service was not taking place. Based on the information provided, there would be an extremely narrow use of the facility in terms of the population of the Bubbenhall and Baginton Neighbourhood Plan Area and as no other specified need within the wider community is met by the proposal, it is considered that the application fails to demonstrate that the community facility would meet the needs of the population or provide accessibility for all. The application therefore fails to comply with Policy BUB3 of the BBNDP.

The application has not provided any robust justification for why the proposed location is preferable over other, more sustainable ones within the District and while it is understandable that members of Plymouth Brethren within Bubbenhall would prefer a meeting room in close proximity to their home, the wider benefits of this would be extremely limited and do not outweigh the fundamental concerns regarding the unsustainable location of the site or the lack of wider need for the facility within the community. It is therefore considered that the proposal fails to comply with the NPPF, Local Plan Policy DS5 and NDP Policy BUB3.

Green Belt

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

Paragraph 147 of the NPPF goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in special circumstances. Paragraph 148 states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 150 of the NPPF identifies certain forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction and material changes in the use of land.

Policy DS18 of the Local Plan states that the Council will apply national planning policy to proposals within the Green Belt.

Openness is capable of having both spatial and visual aspects. Assessment of impact on Green Belt openness requires a quantitative assessment of the impact of the proposal on development on the site and an assessment of the visual impacts. The degree of activity likely to be generated, such as traffic generation, is also relevant when considering the impact on openness.

In terms of quantitative assessment, the proposal includes demolition of existing built development within the Green Belt, resulting in the removal of the larger barn, which measures 886sq.m in footprint and 5028cu.m in volume. In addition, the massing of the retained barn would be reduced by 210sq.m in footprint and 1126cu.m in volume. This represents a reduction of 76% of built volume on the site.

The proposal would result in a formal car park being laid out to provide 36 car parking spaces across the site along with a new access road off Pit Hill. There would also be an additional sense of enclosure to the site as a result of the proposed 1.8m timber fencing to the northeastern and south western site boundaries.

The existing barn to be converted is considered to of permanent and substantial construction and as such the principle of the re-use of the building is acceptable.

The change of use of the site from agricultural use to Use Class F1 would have some impact on openness in terms of the nature and extent of activity generated, including from traffic and vehicles parked in the car park. However, this impact would be limited to the times when the proposed facility is in use and therefore of a temporary nature. Furthermore, there is an extant permission for 5 dwellings on the site which is a realistic fallback position and this permitted residential use would have its own impact on openness.

In terms of visual openness, the proposal would be visible from Pit Hill and local public rights of way, two of which pass through the application site. The existing development to be demolished would be that which has the most impact on visual openness due to its scale and proximity to Pit Hill. Whilst there would be an increase in parking footprint, this would provide a reduction in visual bulk. The proposal includes 1.80m high fencing on the side boundaries and 1.0m high fencing on the Pit Hill boundary. These heights are within the heights allowed under permitted development.

Taking all of the above into account, and with particular regard to the considerable reduction in permanent built form on the site, Officers are satisfied that the development would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The application therefore accords with the NPPF and Policy DS18.

Character and Appearance

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 as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan requires 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. Policy BE4 of the Local Plan relates to the conversion of rural buildings and seeks to ensure that conversions of rural buildings are carried out in an appropriate manner, recognising that rural buildings are an important element of the local character of the rural area in Warwick District.

Policy NE4 (Landscape) states that development should positively contribute to landscape character. Amongst other things, development proposals are required to demonstrate that they consider their landscape context, including natural character and avoid detrimental effects on features which make a significant contribution to the character of an area.

Policy G1 of the Baginton and Bubbenhall NDP seeks to protect and enhance local landscape character through inclusion of a suitably designed landscaping scheme with submitted schemes.

The site has an edge of village character, with development to the northeast, consisting of residential dwellings of Bubbenhall village and land to the south west consisting of predominantly open countryside. The site is elevated in relation to Pit Hill. Existing development on the site consists of two barns and associated farming structures whilst the remaining site is predominantly laid to hard standing.

Established hedgerows provide screening when viewed entering Bubbenhall village, with more open views of the site when viewed whilst exiting. The existing boundary treatment to the remaining boundary consists of post and rail timber fencing.

The application proposes the demolition of the larger of the two barns and reduction in the scale of the smaller barn. The proposal would retain the form and height of the barn building at the ridge and the eaves and the building would be clad with timber weatherboarding with a brick plinth. It is considered that the alterations to the barn would retain the agricultural form, character and appearance of the agricultural building, whilst enabling the change of use to take place. It is considered that this is an appropriate design response in this context.

The parking area would be positioned to the front and side of the barn building which could result in a stark appearance to the frontage of the site. However, a hedge would be planted along the edges of the car parking areas, which combined with the retained sections of hedgerow along the front boundary would provide adequate visual screening from Pit Hill and soften views into the site.

Objections have been received regarding the impact of the 1.80m high timber boundary fencing, which is proposed to the northeastern and southwestern (side) boundaries. There are concerns that the fencing would impact on the character and visual openness of the site. It is to be noted that a 1.80m fence is less than that which could be erected under permitted development. In the case of the northeastern boundary, the fencing would sit alongside an access track and would be viewed in the immediate context of the adjacent dwellinghouse which has somewhat suburban appearance. As such, the fencing would not necessarily appear incongruous. The fencing to the southwestern boundary would form a hard edge onto open countryside and would not be a particularly sympathetic means of enclosing this part of the site. Had the application been otherwise acceptable, a condition requiring further and/or revised details for the boundary treatments could have been considered.

In terms of other landscaping, the proposal would increase the area of the site laid to grass and include additional hedgerow within the site boundaries. Had the application been acceptable, a hard and soft landscaping plan would have been recommended to ensure a satisfactory appearance.

Overall, officers are satisfied that the development would accord with Policy BE1 and NE4 of the Local Plan and Policy G1 of the Baginton and Bubbenhall NDP.

Impact on adjacent Conservation Area

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).

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

The site is adjacent to the Bubbenhall Conservation Area, the border of which runs along Pit Hill and the established access road for the existing barns. As detailed above, the proposal is considered to have an acceptable appearance and impact on the surrounding area. The impact of the development on the setting of the adjacent Conservation Area is considered to be very limited and would not amount to harm in the context of Section 16 of the NPPF. The Conservation and Design team has been consulted and no objections have been raised. The proposal is therefore considered to comply with the above detailed policies.

Impact on Neighbouring Amenity

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

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

Objections have been received regarding detrimental impacts on neighbouring amenity including impacts resulting from the glare of car headlights and noise.

The closest residential property to the site is a dwelling to the northeast known as Beechwood House. The proposal does not involve any additional development towards this neighbouring property, and while it is noted that the proposal would result in a degree of noise when vehicles enter and exit the site and from associated activity within the car park, the proposed use would replace an existing agricultural use which would create a degree of noise related to farming activities, including movement of farming machinery. When considered alongside the relocation of the access away from Beechwood House, it is not considered that the changing pattern of vehicle movements would result in any significant harm to the living conditions within this neighbouring property in terms of noise or glare from headlights. It is noted as well that the proposal includes a 1.80m timber fence along the northeastern boundary which would also help to mitigate such impacts. The Planning Statement confirms that the use of the facility would not go beyond 20:30 hours, albeit it would be used early on Sunday mornings (06:00 hours).

The application is supported by a Noise Assessment which considers noise from the use of the hall itself, external building services items and use of the car park. The application has been assessed by the Environmental Protection team and no objections have been raised, subject to a condition regarding plant noise limits.

The proposal is not considered to have any detrimental impact on any other residential property and, based on the above, the application is considered to comply with LP Policy BE3 and guidance in the NPPF.

Highway Safety and Parking

Policy TR1 (Access and Choice) of the Warwick District Local Plan states that development will only be permitted if it provides safe, suitable, and attractive access routes for pedestrians, cyclists and vehicles. Amongst other things, development proposals are expected to not be detrimental to highways safety.

Policy TR3 (Parking) of the Warwick District Local Plan states that new development will only be permitted that makes adequate provision for parking. The Council's adopted Parking Standards SPD provides additional guidance in this regard.

Several objections were receiving from members of the public regarding the safety of the road at this corner and the proposed access onto it. The Highways Authority originally submitted an objection; however the applicant submitted a Stage 1 Road Safety Audit as requested, which concluded that there would not be any safety problems with the proposed site access. The Highways Authority therefore removed their objection and recommended a number of conditions (including provision of suitable visibility slays at the new road junction).

The proposal includes 253sq.m. of gross internal floor area and therefore 25 parking spaces would be required based on WDC's Parking Standards SPD. 30 parking spaces would be required based on a congregation of 150 people, which is the upper attendance figure referenced within the applicant's Transport Appraisal. The scheme provides 36 parking spaces, which exceeds the adopted standards. The Highways Authority considers that the level of parking provision is acceptable in highway safety terms given that the proposal accords with adopted standards whilst providing additional parking, should this be necessary. The additional spaces over and above the SPD requirement reduces the likelihood of parking on the public highway, which is a concern that has been raised locally.

As noted above, the proposal substantially exceeds the SPD parking standards. The SPD considers circumstances where deviation from the standards may be deemed appropriate; this includes where parking demand is likely to be lower than the prescribed standard as well as where parking demand is in excess of the prescribed standard. In cases of higher provision, deviation from the standards may be deemed appropriate where the applicant can demonstrate that the needs of the business require higher parking, despite demonstrably promoting alternative modes of travel.

The proposal provides 11 spaces over and above the SPD standard, which equates to 44% higher provision. This indicates that there is a particular need for the facility to have a higher parking requirement, which supports Officers' concerns

around the accessibility of the site by non-car modes and its overall sustainability. Moreover, it is not considered that the applicant has adequately demonstrated that alternative modes of travel have been promoted, which adds to the concerns regarding the sustainability of the development. As such, the application conflicts with the SPD in this regard.

In summary, the application is considered acceptable in highway safety terms and in accordance with Policies TR1 and TR3 of the Local Plan and guidance in the NPPF.

Public Rights of Way

The application site contains two public rights of way. Footpath 137/W153/1 passes to the north of the existing barns and footpath 137/W153a/1 passes to the south of the barns.

The application proposes the diversion of public footpath 137/W153/1 outside of the application site boundary and along the northern boundary of the site, details of which have been shown on an updated plan.

Bubbenhall and Baginton Parish Council has raised a concern that the route of footpath 137/W153a/1 would be obstructed by some proposed boundary fencing as part of the proposed development.

The WCC Rights of Way team has been consulted on the application and have considered the proposed footpath diversion and the issue identified by the Parish Council. The Rights of Way team have advised that they have no objection to the proposals and the proposed diversion route for public footpath W153, subject to their approval of the final specifications of the proposed diversion. They have confirmed that it is recommended that the legal order includes a diversion of public footpath W153a to address the obstruction by the proposed fence. If planning permission is to be approved, the Rights of Way team recommend a series of conditions and advisory notes to be added to the decision notice.

Ecology

The National Planning Policy Framework (NPPF) places significant weight on the protection and enhancement of biodiversity and geodiversity, stating at Paragraph 180(a): *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.*

Policy NE2 of the Warwick District Local Plan 2011-2029 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity.

Policy NE3 of the Local Plan (Biodiversity) states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this

is not possible, mitigation or compensatory measures should be identified accordingly.

The proposal would involve the demolition of a barn which bat activity surveys indicate contains a roost for up to three brown-long-eared bats. The County Ecologist has therefore recommended a condition requiring submission of a detailed schedule of bat mitigation and a condition requiring submission of details of external lighting prior to commencement.

In terms of achieving a Biodiversity Net Gain on the site, the County Ecologist is satisfied that one can be achieved and has recommended that a detailed schedule of habitat and species enhancement measures can be secured by condition.

Subject to the conditions detailed above, the application would comply with the above detailed policies.

Drainage

The Local Lead Flood Authority (LLFA) has raised an objection to the application because the information submitted does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In response to this, the applicant has recently provided additional information. The proposed surface water drainage scheme now proposes disposal via infiltration. The LLFA has been reconsulted and a response is awaited.

At the time of writing, it is unclear whether the proposal is acceptable in terms of flood risk and drainage. It is therefore recommended that the application be refused on this basis, although this reason for refusal may fall away subject to a further response from the LLFA.

Other Matters

Fire and Rescue Service

The County Fire Protection Officer was consulted and raise no objection subject to a note drawing the applicant's attention to the requirement of the Building Regulations.

Air Quality Mitigation

The Air Quality Supplementary Planning Document SPD 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 guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The applicant has submitted an air quality mitigation statement which identifies the proposed development as a minor scheme and proposes the installation of two electric vehicle charging points and passive provision for a further two charging points in the future.

Environmental Protection consider this level of mitigation would satisfy the requirements for a Type 1 / Minor development scheme. This would require a suitably worded condition in the event of any approval.

Representations

Officers have considered the objections received and the comments in support of the application as part of this assessment, including in relation to the principle of development, Green Belt, visual amenity, heritage and other technical planning issues. The planning matters raised are considered to have been addressed within this report.

CONCLUSION

The overarching aim of the NPPF and Policy DS5 of the Local Plan is to deliver sustainable development. The justification put forward for the development is that the proposal would meet the needs of a section of the local community and thereby accord with the social and environmental strands of sustainable development. However, based on the information provided, it is considered that the development would predominantly serve a much wider catchment area whereby access to the site would principally be reliant on private vehicles, with very limited accessibility by public transport and other forms of sustainable travel such as walking and cycling. This would not promote sustainable transportation patterns, which in turn would have environmental implications - particularly with regards to impact on climate change. It is acknowledged that the proposal would meet the needs of a small section of the local community, and this would provide sustainability benefits. However, these benefits are very limited in their extent and do not outweigh the wider concern with providing a new community facility in what would be an unsustainable location. For this reason, the application merits refusal.

Policy BUB3 of the BBNPD states that new community facilities should demonstrate that they meet the needs of the local population and ensure accessibility for all. There would be an extremely narrow use of the facility in terms of the population of the Baginton and Bubbenhall Neighbourhood Plan Area, with no wider community benefits in terms of the use of and accessibility to the building. As such, it is considered that the application fails to demonstrate that the community facility would meet the needs of the population or provide accessibility for all and therefore the proposal does not meet the requirements of Policy BUB3. This also merits refusal of the application.

It has not yet been established whether the development is acceptable in flood risk/drainage terms, although additional information has recently been submitted in this regard and is being considered by the LLFA. Given that there was an initial objection from the LLFA and the flood risk/drainage impacts are unknown, it is considered that there is grounds to refuse the application on this basis. This reason for refusal may however fall away subject to receipt of further comments from the LLFA.

The development would preserve the openness of the Green Belt and would not result in any unacceptable impacts in terms of visual amenity and heritage. The development could be made to be acceptable in terms of amenity, highway safety and ecology subject to the imposition of conditions.

REFUSAL REASONS

- 1 In the opinion of the Local Planning Authority, the application site is considered to represent an unsustainable location for the proposed development because access to the site would principally be reliant on private vehicles, with very limited access ability by public transport and other forms of sustainable travel. This would not promote sustainable transportation patterns, which would be in conflict with the overarching aim of delivering sustainable development within the National Planning Policy Framework and Strategic Policy DS5 of the Local Plan. Furthermore, the proposal provides significantly higher parking provision than the standard set out in the Council's adopted Parking Standards Supplementary Planning Document (2018) and it has not been adequately demonstrated that alternative modes of travel have been promoted. In this regard the application fails to comply with the SPD.
 - 2 Policy BUB3 of the Baginton and Bubbenhall Neighbourhood Development Plan requires that new community facilities demonstrate that they meet the needs of the local population and ensure accessibility for all. The information provided with the application indicates that there would be very limited use of the facility by the general population of the Designated Neighbourhood Area, with no wider community benefits in terms of the use of and accessibility to the building. As such, the application fails to demonstrate that the proposed community facility would meet the needs of the local population or provide accessibility for all and therefore the proposal fails to satisfy the requirements of Policy BUB3.
 - 3 In the opinion of the Local Planning Authority, it has not been demonstrated that the proposed development would provide a sustainable and acceptable means of surface water drainage and thereby appropriately mitigate and manage flood risk. The application therefore fails to accord with Policy FW2 of the Warwick District Local Plan 2011-2029 and guidance in the National Planning Policy Framework.
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Planning Committee: 08 November 2023

Item Number: 5

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

Town/Parish Council: Kenilworth
Case Officer: Jack Lynch

01926 456642 Jack.lynch@warwickdc.gov.uk

Registration Date: 21/09/23

Expiry Date: 16/11/23

4b Fieldgate Lane, Kenilworth, CV8 1BT

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

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 at the end of this report.

DETAILS OF THE DEVELOPMENT

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

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

SITE AND LOCATION

The application site relates to a two-storey detached dwelling, located within a private driveway off Fieldgate Lane, neighbouring 4a Fieldgate Lane. The application site is in the Kenilworth Conservation area, in Kenilworth Parish. The application site is not visible from Fieldgate Lane, however when approaching the application site, via the private road, there is a shared access/turning circle serving both the application site and neighbour (4a Fieldgate Lane). The arrangement of the access and landscaping in this location creates a very open environment. 4b Fieldgate Lane has an open frontage, with largely soft boundary treatments except for a small picket fence northeast of the site and a decorative wall to the South of the site, which has been screened with planting. The dwellinghouse itself, was

erected in the late 1960's. Its design is not one of significant architectural merit. It is largely constructed of brick, with white PVC cladding on the Southwest elevation and some tile cladding to the frontage at first floor level. The existing fenestration is unique in its arrangement with no uniformity. Defining features of the dwellinghouse include the dual pitched roof which slopes significantly to the frontage to ground floor level and the large chimney rising through it off centre. The application site was originally of the same style and appearance as the neighbouring dwelling, 4a Fieldgate Lane, however the neighbour has since completed various extensions (W/06/0836), removing their symmetry.

PLANNING HISTORY

Application site:

No relevant planning history

Neighbouring history relevant to this application:

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

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Parking Standards (Supplementary Planning Document- June 2018)
- Kenilworth Neighbourhood Plan (2017-2029)
- KP13 - General Design Principles
- KP13M - Design Management in Fieldgate Lane

SUMMARY OF REPRESENTATIONS

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

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

WCC Ecology – Following the receipt of photographs, requested to determine if bat survey required, it was recommended that a Preliminary Bat Roost Assessment

should be completed. Ecology objects to the application, without the completion of this report.

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

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

ASSESSMENT

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

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

Paragraph 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.

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

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

Policy KP13 of the Kenilworth Neighbourhood Plan requires development proposals to be of a suitable layout, density, scale, height, massing, proportions, orientation, architectural detailing, materials and landscape which responds to the built form

of surrounding properties. Moreover, Policy KP13M should demonstrate regard to design principles including; common materials comprising of brick, render, tile, slate, thatched roofing, white pebbledash render, masonry and brick work.

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

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

The proposed external garage is set to be located to the rear of the dwellinghouse on the Northern corner of the site. The proposed external garage will not be in a prominent position and will be built with materials similar to that of the dwellinghouse. The proposed garage is considered acceptable and both respects and enhances the existing property and overall character.

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

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

Other additions, of which were subject to objection from the public, include the timber cladding to part of the principal elevation and part of the Southwest elevation, with decorative larch timber shutters on the windows at the frontage.

A stone cladding is proposed to be introduced on a small section of the ground floor principal elevation. In addition, the existing chimney will be reclad with a buff brick, which will match the materials of the proposed garage.

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

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

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

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

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

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

Warwick District Local Plan Policy BE3 requires that development must have an acceptable impact on the amenity of all neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states how extensions should not breach a 45-degree line taken from the nearest habitable room of the neighbouring property.

This aims to prevent any unreasonable effect on the neighbouring dwelling, by reason of loss of light, unneighbourly effect or disturbance/intrusion from nearby uses. The same policy provides a design framework on distance separation. The guidance sets out to limit the potential for over-development, loss of privacy and dominance over adjoining dwellings and secure a reasonable standard of amenity and outlook for local residents. Policy BE3 also requires that all development should ensure that acceptable standards of amenity space are provided for existing and future occupiers of the development site.

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

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

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

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

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

Ecology

Local Plan Policy NE2 states that development will not be permitted that will destroy or adversely affect protected, rare, endangered or priority species unless it can be demonstrated that the benefits of the development clearly outweigh the

nature conservation value or scientific interest of the site and its contribution to the wider biodiversity objectives and connectivity.

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

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

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

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

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

Highways and Parking

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

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

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

CONCLUSION

The proposal is considered to constitute good quality design, does not result in material harm to amenity of neighbouring uses. The proposal is not to cause any harm to the significance of a designated heritage asset. As such, the proposal is

in accordance with the aforementioned policies, and it is therefore recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings, DR-22.705-A-200-P3, DR-22.705-A-201-P2, DR-22.705-A-202-P1, DR-22.705-A-203-P2 and DR-22.705-A-204-P1 and specification contained therein, submitted on 21/09/2023, 25/10/2023 & 30/05/2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Prior to the commencement of the development hereby approved (including all preparatory work), a sufficiently detailed and proportionate Tree Protection Plan and Arboricultural Method Statement, together referred to as the scheme of protection, that will detail how all the retained trees within the site, where they might be impacted by the development, are to be protected from harm during the development shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan should be overlaid upon the approved plan of the development.

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

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

- 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those shown on drawing number DR-22.705-A-203-P2. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

Planning Committee: 08 November 2023

Item Number: 6

Application No: [W 23 / 0880](#)

Town/Parish Council: Stoneleigh

Case Officer:

Adam Walker

01926 456541 adam.walker@warwickdc.gov.uk

Registration Date: 14/06/23

Expiry Date: 13/09/23

Land south of Stoneleigh Road, Stoneleigh, Warwickshire

Full planning permission for the extension of the A46 Main Compound for HS2 construction purposes for a temporary period, including site clearance works, stockpiling of soil, materials storage, security cabins, plant and wheel wash facilities, HGV/plant parking, drainage infrastructure, internal spine and haul roads with access from Stoneleigh Road. FOR High Speed 2 (HS2) Ltd

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the delegation of authority to the Head of Planning to resolve drainage matters to the satisfaction of the LLFA and subject to the imposition of conditions, including those set out within this report.

DETAILS OF THE DEVELOPMENT

The application seeks full planning permission for an extension of the existing HS2 compound next to the A46 at Stoneleigh.

The proposed development comprises the following components:

- Site clearance works, including some sections of hedgerow;
- Soil stockpiles, generated from HS2 Phase One and up to 7m high;
- Laydown areas for storage of materials, including steel reinforcement, high density polyethylene (HDPE) drainage and precast concrete components;
- HGV/plant parking
- Security cabins
- Wheel wash area and plant wash area
- Drainage infrastructure, including attenuation pond and drainage ditches/drains/culverts;
- Access off Stoneleigh Road (T-junction);
- Internal spine road and haul roads;
- Utilities diversions;
- Environmental mitigation works, including areas of ecological habitat to be retained and enhanced, wildflower grass seeding, light barrier for Kings Wood bat habitat, noise and dust barrier for Kings Wood, newt fencing and an amphibian crossing; and
- Reinstatement works, including replanting of removed hedgerow sections.

Permission is sought for a temporary period, with the use of the compound expected to run until 2028. Decommissioning would then take place and the site restored to its existing condition. The application includes an indicative construction programme, which is summarised as follows:

Advance works:

Approximately 6 months, initially expected to commence 2023.

Advance works would include:

- Further site investigations and surveys as necessary;
- Contamination remediation (if appropriate)
- Habitat creation and translocation
- Historic environment related mitigation
- Site access works
- Site establishment with temporary fence construction
- Removal of vegetation (including hedgerow removal)
- Stripping and storing of soil
- Any utility diversions and new utility connections for facilities associated with the proposal

Use of the compound:

Approximately 5 years (up to 2028) and allowing for partial use during the advance works and decommissioning phase (prior to commencement of reinstatement).

Decommissioning of the compound:

Approximately 6 months.

Reinstatement to pre-construction conditions:

Approximately 2 years, primarily during 2029 and 2030.

THE SITE AND ITS LOCATION

The application site is approximately 30 hectares in size and comprises agricultural land that lies within the West Midlands Green Belt. The site is bound by Stoneleigh Road to the north, the B4115 Ashow Road to the east, the existing HS2 A46 Main Compound to the south, and the A46 highway to the west. The village of Stoneleigh lies approximately 250m east of the site. The site abuts an existing small construction compound that is accessed from Stoneleigh Road.

The application site surrounds, but does not include, an area of ancient woodland known as King's Wood. Two tree-edged ponds that lie to the east of the wood are also excluded from the application site boundary.

The application site is largely enclosed to the roadside boundaries by trees, hedgerows and shrub vegetation. There are also hedgerow field boundaries within the site.

PLANNING HISTORY

The Local Planning Authority has previously provided the applicant with a formal opinion on the scope of work required for the Environmental Statement that was required to be submitted with the current planning application (Ref: SCR/22/0001). This was in response to a request from the applicant for a Screening/Scoping Opinion under the 2017 Environmental Impact Assessment (EIA) Regulations.

The following planning application is relevant to the current application and is discussed within the assessment:

W/20/2013 - In conjunction with the scheduled Warwickshire County Council alignment of the A46 Link Road Scheme, this application proposal seeks highway improvement works along a section of Stoneleigh Road. The highway works proposed includes the construction of a 4-arm roundabout to provide two additional access roads:- . One to access the proposed relocation of the Rugby Farmers' Market. The other to a HS2 A46/Ashow Road Main Works Civils Contractors compound. The works are temporary and are proposed to be retained for a 5 year period (excluding construction works and decommissioning works) - Approved 27/04/2023

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- NE6 - High Speed Rail 2 (HS2)
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS7 - Crime Prevention
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- DS18 - Green Belt

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Parish Council - Object: Concerns raised in relation to drainage, the effect of lighting and insufficient pre-application consultation by the developer. Comments also made in relation to the reinstatement of the land and highway matters, including concerns relating to an increase in construction traffic especially through the village of Stoneleigh.

Kenilworth Town Council - Neutral: Whilst having no reason to object, it is requested that a condition is included regarding who will be responsible for restoring the land back to its original condition.

Arboricultural Officer - No objection. Condition recommended to ensure that the protection measures detailed in the submitted Arboricultural Assessment are adopted.

Conservation & Design - No objection due to the temporary nature of the development. Condition recommended requiring that the land be restored to its former condition when the proposed use of the land ends.

Coventry City Council - No objection in principle. The development proposals should not have a severe impact on public highway safety, or on the operation or capacity of Coventry's highway network. Concerns raised by the CCC Tree Protection Officer with regards to the impact on trees and woodland within the site and additional information should be submitted to address these concerns.

Environment Agency - No objection

Environmental Protection - No objection. Condition recommended regarding the reporting of unexpected contamination. The impact on local amenity, including matters such as noise, vibration, and dust emissions, would be controlled through the Code of Construction Practice, existing Environmental Minimum Requirements (EMR) of HS2 and Environmental Health legislation.

Forestry Commission - Neutral: Given the nature of the proposed development, and that the application site will enclose an area of ancient woodland (Kings Wood), there is a significant likelihood of impacts to the ancient woodland, including from disturbance with a resulting detrimental impact on species, and impacts to habitat connectivity and ecological functionality. The local authority should assess the application against published Standing Advice, taking into account both direct and indirect impacts on the woodland and considering both construction and operational phases. Opportunities to improve the woodland habitat, including through appropriate management measures, should also be considered. Should planning permission be granted, it is advised that the restoration scheme considers opportunities to improve Kings Wood ancient woodland, and to improve connectivity between this and other nearby woodland habitats. In addition to impacts to ancient woodland, the local authority should also ensure no loss or deterioration of any ancient or veteran trees present on site. The arboricultural report notes the presence of trees that are beginning to develop features associated with veteran trees along the boundary of the application site, and it is recommended that protection of these trees is secured in accordance with the outlined measures.

Historic England - Neutral: Historic England does not wish to offer advice in this case. The views of the Council's specialist conservation and archaeological advisers should be sought.

Lead Local Flood Authority - Holding objection: The submitted details relating to the surface water drainage are insufficient. There are a number of uncertainties and inconsistencies within the submitted details that require clarification and further information.

National Highways - No objection

Natural England - No objection. The proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

The Woodland Trust - No comments received

WCC Archaeology - Object: The archaeological implications of this proposal cannot be adequately assessed on the basis of the available information. Request that the applicant arranges for an archaeological evaluation (involving trial trenching) to be undertaken prior to determination of the application. The use of a pre-commencement planning condition is not considered suitable on this site.

WCC Ecology - Recommend the application is deferred until missing information is provided and the ES is updated as appropriate. Further comments awaited in response to information provided by the applicant (as discussed within the appraisal)

WCC Highways - No objection subject to conditions

WCC Landscape - Object: Concerns with the overall scale of the combined compound area, the height of the soil stockpiles and the likelihood of the proposed wildflower planting to the outer profiles of the soil stockpiles becoming established.

WCC Public Rights of Way - No objection

Public Response - A total of 16 objections have been received. A summary of the comments is provided as follows:

- Inadequate justification for the proposed compound extension and the amount of land required for the proposal
- Original intent and timescales of construction have been grossly underestimated; concern that a similar situation will arise with the proposal
- Intensification of existing compound in terms of vehicular movements
- Concerns raised with the existing traffic situation, including traffic lights and the village being used as a 'rat run'; proposal will exacerbate existing issues
- Question why additional car parking is required
- Too close to Stoneleigh village, including some of its facilities such as the village hall, children's play area and associated fields
- Detrimental impact of construction activities on residents of Stoneleigh village, including from traffic, noise, dust, vibration and air pollution
- Dust from stockpiling earth will impact on air quality and health

- Increased mud on the public highway
- Impact on historic buildings and structures in Stoneleigh village, which because of their age are more vulnerable to the effects of heavy, sustained traffic
- Stoneleigh village does not have the infrastructure to cope with the vehicles, plant and people to build and service the HS2 storage yard
- Stoneleigh village cannot cope with any more disruption
- Impact on the character of the Stoneleigh Conservation Area and listed buildings / heritage sites
- Existing operations have impacted on drainage systems
- Concerned that drainage overspill will run down Birmingham Road; this already occurs and is silting up the sewers. Proposal will make the situation worse.
- There has been an increase in flooding of Birmingham Road and mud flowing through Stoneleigh village since the HS2 works began; this has caused damage to property
- Flood risks have not been assessed sufficiently
- Proposed stockpiles may become unstable over time and will add to water run-off issues
- Impact on existing hedgerows and natural drainage systems
- More details of how the land will be restored and put back to agricultural use and a timescale for completion is required
- Light spill occurs from the existing compound; greater controls are needed with the lighting for the compound extension to avoid light pollution
- Existing operations have made a mess of the local landscape and environment
- Proposal would be an unsightly view entering Stoneleigh village
- Eye sore close to the village
- Green Belt should be protected; the associated noise, light pollution and the overall appearance of such a large compound is not in keeping with the character of the Green Belt
- More green space being taken over by HS2
- Urbanisation in a rural location
- Ancient woodland put at risk
- The loss of more trees and hedgerows should not be supported, especially given climate change.
- Trees and vegetation would take years to replace; it would take a long time for new planting to reach the age and condition of existing trees
- Removal of vegetation will impact on wildlife; wildlife has already been harmed by the ongoing HS2 operations
- Risk of land contamination in an agricultural area
- Impact on public rights of way
- Inadequate consultation with local residents
- All HS2 works should be halted
- HS2 works have already meant the loss of trees / greenery and wildlife and ruined the tranquillity and beauty of rural villages
- HS2 should not be allowed to take any more land or cut down any more trees
- HS2 is a white elephant of a project and Warwickshire gains no benefit from it
- HS2 is a waste of time and money

ASSESSMENT

Introduction

The application is for an extension to the existing A46 Kenilworth Bypass Overbridge Main Construction Compound which is used in connection with the construction of Phase One of HS2.

The existing compound supports construction of the Cubbington, Stonehouse, Glasshouse Wood, Kenilworth, Dalehouse Lane, Crackley Road, Crackley Wood and Roughknowles Wood sections of the Phase One Scheme, together with the realignment of the B4115 Ashow Road. The compound accommodates core project management staff (including those responsible for engineering, planning and construction delivery) together with supporting commercial and administrative staff.

Revised proposals have been developed for the Main Compound, which involve an extension to the north comprising of some 31 hectares of land. The extension would primarily accommodate increased storage and is intended to allow for better management of soils and other materials. It would also allow for all construction traffic to be routed via a new access on Stoneleigh Road.

Full planning permission is required for the works because it is for development that falls outside of the limits granted by the High Speed Rail (London-West Midlands) Act 2017 (HS2 Act 2017). The proposals require a parcel of land adjacent to but outside of the Limits of Deviation (LOD), that delineate the limits within which the works listed in Schedule 1 of the 2017 Act ("Scheduled Works") may be constructed, and Limits of Land to be Acquired or Used (LLAU), which define additional limits for other works (ancillary to Scheduled Works) required, including for construction and maintenance. Because the proposals are ancillary to Scheduled Works and require land to be used outside of the LLAU they constitute development that is not authorised by the 2017 Act; instead, the proposals are subject to provisions of the Town and Country Planning Act 1990 (as amended).

It has previously been established that this planning application would need to be accompanied by an Environmental Statement (ES), having regard to the 2017 EIA Regulations. An ES has consequently been submitted in support of the application and this considers the proposal in detail against a range of planning considerations. The ES presents the likely significant effects of the construction of the proposed development on the environment and describes the proposed means to avoid, prevent, reduce, or if possible, offset the likely significant effects on the environment. When an ES is submitted with an application there is a legal duty for the Local Planning Authority to have regard to it. This means examining the environmental information, reaching a reasoned conclusion on the significant effects, integrating that conclusion into the planning decision and, if granting permission, considering whether to impose monitoring measures.

Principle of development

The proposed development is in connection with a nationally important infrastructure project (HS2). The application has been submitted on the basis that there is a need to accommodate increased storage and management of soils and other materials and in so doing minimise concentrations of construction related traffic on the local road network by allowing phased transportation of those materials in advance of the peak demand for them. The proposal would also introduce a new compound access closer to the strategic road network, which would reduce traffic on the local road network.

The applicant has stated that the land take is the minimum necessary and there are no alternative locations available as the proposed construction compound extension is required to be close to the existing A46 Main Compound for construction purposes to minimise construction impacts and impacts on the highway network.

The proposal would help to facilitate the delivery of HS2 and is intended to help mitigate some of the impacts of its construction, specifically with regards to highway related effects. This weighs in favour of the application. The proposal would however give rise to additional environmental impacts in its own right and these are therefore to be weighed in the overall planning balance. The remainder of this assessment considers these matters.

Green Belt considerations

The site lies within the West Midlands Green Belt.

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

Paragraph 138 goes on to specify the five purposes of the Green Belt, which are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraphs 147-151 of the NPPF set out the requirements for assessing proposals that affect the Green Belt. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (NPPF, paragraph 148).

The construction of new buildings should be regarded as inappropriate development in the Green Belt, unless they fall within those exceptions set out

at paragraph 149 of the NPPF. The NPPF also identifies certain forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it in (NPPF, paragraph 150).

Policy DS18 of the Local Plan states that the Council will apply national planning policy to proposals within the Green Belt.

The proposed development involves engineering operations, stockpiling of soil, open storage of materials and new buildings in the form of security cabins. While the proposal includes elements of development that are not necessarily inappropriate in the Green Belt, namely the engineering operations, the development as a whole represents inappropriate development in the Green Belt and it is therefore necessary for 'very special circumstances' to exist to clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal.

The Green Belt Statement submitted with the application states that there are no alternative sites available in locations that are not within the Green Belt given that the construction compound extension is required to be close to the existing A46 Main Construction Compound to minimise construction impacts and impacts on the highway network. Officers note that there is farmland a short distance to the north west of the application site on the opposite side of the A46 bypass that is not within the Green Belt, however, it is not considered that this land would represent a viable and reasonable alternative. There is a clear benefit in the existing compound and the compound extension forming a contiguous site, including from a practical and access point of view. What is more, this neighbouring land would have its own constraints, for example the presence of a watercourse and tree belts and it would also bring development much closer to housing.

Effect on the openness of, and purposes of including land within, the Green Belt

The application site forms open countryside in an area characterised by agricultural fields and villages with scattered buildings. To the south of the site is the existing HS2 Main Compound and to the west lies the A46 bypass which forms part of the Strategic Road Network. Improvement works are currently being carried out to the A46 junction close to this development. Planning permission has been approved for a farmers (livestock) market on land to the north of the site; this has not been constructed but is understood to be an extant permission.

The proposed land take for the development proposal is substantial, albeit the minimum deemed necessary by the applicant. The proposal would introduce areas of hard surfacing and access roads, open storage of materials (such as steel reinforcement, drainage infrastructure and precast concrete components), engineered landforms in the form of soil stockpiles up to 5m and 7m in height, imported aggregate stockpiles, a small block of portable buildings serving as security cabins (circa 6m in height) and security fencing.

Openness is not defined in the NPPF but is commonly understood to refer to an absence of development. Openness is to be considered in both visual and spatial

terms, and it follows that openness can be harmed even when development is not readily visible from the public domain. The duration of a development and its ability to be returned to its original or equivalent state of openness is also relevant when considering the potential impact of development on the openness of the Green Belt, as is the degree of activity likely to be generated.

The proposal would have an urbanising influence on the Green Belt, extending the existing compound further to the north as far as Stoneleigh Road and introducing features that would diminish the openness of the Green Belt in spatial terms as well as having an effect on the visual openness of the Green Belt. The visual impact on openness would be mitigated to a degree through the screening provided by existing vegetation to the site peripheries and the inclusion of an undeveloped buffer along the northern edge of the site as well as an area of habitat enhancement to the west of Kings Wood. Seeding of the outer banks of the soil storage mounds would also soften their visual impact and help them to better integrate with the rural landscape.

As the proposal is directly associated with the existing HS2 compound and the purpose of the development is to facilitate better management of materials and vehicle movements, it is not considered that there would be any material intensification of the level of activity generated, albeit the geographical extent of activity associated with the HS2 construction works would be increased.

Having regard to the five purposes of the Green Belt, the main impact of the development proposal would be in terms of encroachment in the countryside as the area is currently agricultural and undeveloped. The location and nature of the development are such that it would not have any material impact on the other purposes of including land within Green Belt. This includes preserving the setting and special character of historic towns - an assessment of the impact on built heritage assets is provided separately within this report.

The proposal, as inappropriate development, would by definition harm the Green Belt. It would result in encroachment and harm the openness of the Green Belt in both spatial and visual terms. Accordingly, the proposed development would conflict with the NPPF and Policy DS18 of the Local Plan. All harm to the Green Belt carries substantial weight.

The applicant has sought to demonstrate that very special circumstances exist that would outweigh the harm to the Green Belt. These are summarised as follows:

- The proposal is required to construct a nationally important infrastructure project;
- The site has a locational benefit, being adjacent to the existing Main Compound;
- Reducing construction traffic on local roads, particularly Ashow Road;
- Managing construction traffic to minimise interaction with peak times on the road network;
- Operating in alignment with the proposed new roundabout on Stoneleigh Road which provides access to the relocation of the Rugby Farmers' Market (planning approval reference W/20/2013) helping to further reduce local traffic burdens and complement local highways improvements;

- The storage of excavated material will be used in locations along the Phase One Scheme as part of the environmental strategy to re-use excavated materials to create embankments and landscape areas around the HS2 railway, which will ultimately become part of an extensive Green Corridor of new wildlife habitat;
- Mitigation to minimise impacts on the local environment including areas of ecological habitat to be retained and enhanced;
- Development designed to mitigate the impact on the landscape and residential amenity and;
- The development is temporary and can be limited to a temporary period by imposition of a planning condition.

Taken together, the applicant considers that the above elements constitute very special circumstances that clearly outweigh the harm to the Green Belt.

The policy test is whether very special circumstances exist to clearly outweigh the harm to the Green Belt *and* any other harm resulting from the proposal. The applicant's case is considered at the end of this report following the assessment of all other relevant planning considerations.

Landscape and visual effects

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

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

For the purposes of this part of the assessment, it is to be noted that there is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where it can be viewed, such as from roads, public rights of way and individual dwellings.

The site lies within a generally low-lying area comprising of enclosed gently undulating landform with a pattern of large fields bounded by hedgerows, trees and woodlands. The land use is predominantly in agriculture, characterised by intermittent farms and large-scale fields bounded by hedgerows and woodland blocks. The main transport link in this area is the A46 Kenilworth Bypass which links to the M40. There are several public rights of way within the locality, most notably part of the Coventry Way and Centenary Way long distance footpaths

which exits the Kenilworth urban area in a north-east direction and encompasses the development site on three sides before continuing south eastwards.

The site forms part of the Stoneleigh Parklands Landscape Character Area, a predominantly enclosed gently undulating agricultural landscape. Towards the east of the site, on the other side of Stoneleigh village, is the Bubbenhall Plateau Farmlands Landscape Character Area, a predominantly flat plateau agricultural landscape with urban influences.

The ES provides an analysis of the likely significant landscape and visual amenity effects resulting from the proposed development, informed by an Illustrated Landscape and Visual Assessment (Appendix 7.2, ES Vol.4). The ES considers the impact on the above Landscape Character Areas and provides a visual assessment from a range of key viewpoints within a defined Zone of Theoretical Visibility. These viewpoints include from the local public right of way network and roads adjacent to the site along with some from the PROW adjacent to Stoneleigh Village and along the A46 road corridor. The ES also highlights how the proposal seeks to mitigate potential landscape and visual effects through its design. This includes the following:

- Retention of existing vegetation as far as possible, with offsets between the Root Protection Areas (RPA's) of trees and hedgerows and the site working areas to ensure no temporary or permanent impacts on the retained vegetation;
- Soil mounds offset from the site boundaries and their external faces grass seeded;
- Lighting limited to the site spine road and small car park (with all outward faces of the soil mounds unlit).

In summary, the ES considers that only the Stoneleigh Parklands Landscape Character Area would be directly impacted upon by the proposed development and the adjacent Bubbenhall Plateau Farmlands Landscape Character Area would not be significantly impacted by any indirect landscape effects. There is potential for the proposed development and other committed developments, including the approved urban expansions to Coventry and the Phase One Scheme, to result in cumulative landscape effects. However, the proposal would be perceived in the context of the immediately adjacent and much larger Phase One Scheme such that it would make a limited contribution to overall cumulative effects.

With regards to visual effects, the ES considers that views into the site are limited, with the majority of the viewpoints having limited or no intervisibility with the site. Where views are available these are often heavily filtered. The most significant visual effect identified is the view north-west from B4115 near the junction with Footpath 273/W/158/1; this is a near distance view from Ashow Road looking northwest towards the southern part of the site and the existing A46 Main Compound (Viewpoint 7).

WCC Landscape have objected to the application. There are concerns with the overall scale of the combined compound area, which is located in close proximity to the village of Stoneleigh and within an attractive rural setting. The Landscape

Officer has stated that the proposed soil stock piles would be higher than the field boundary hedgerows (which are to be managed at a height of 3m+) and therefore potentially visible from outside the site area. It is not considered that a sense of separation and perceived reduction in scale would be achieved by the use of 7m high stockpiles to the perimeter. Concerns have also been raised with the proposed mitigation, specifically with regards to the establishment of the wildflower grassland on the outer profiles of the soil stockpiles. This is particularly the case with the topsoil mounds because the higher fertility of the topsoil is likely to encourage the growth of more vigorous grasses and competitive weeds and achieve a reduced wildflower sward. It is recommended that consideration be given to providing greater management intervention. Stabilisation of the slopes (which are to be formed at a gradient of 1:2) has been queried, with a view to helping prevent erosion and/or aid establishment of wildflower grassland.

The proposed development would undoubtedly result in a significant change to the landscape, with agricultural land being replaced with a construction compound. The proposal would introduce some considerable engineered landforms in the form of 5m and 7m high soil stockpiles, and these would be particularly prominent along the eastern edge of the site. The proposal would also introduce plant, open storage of construction materials, tower lighting to the spine road and parking area, plus all the associated construction related activity. There would also be some loss of hedgerows. This would alter the established landscape character.

There would be some natural screening and visual containment of the site provided through the retention of existing boundary trees and hedgerows, although the height of the soil mounds would mean that they are still likely to appear as a noticeable presence within the landscape, even with the seeding to the outer banks. The proposed layout incorporates undeveloped areas of land and would be viewed in the context of the existing compound which helps to mitigate the extent of the visual impact on the landscape. The fields on the eastern side of Ashow Road would also provide a reasonable degree of physical separation to the village of Stoneleigh. It has been demonstrated that the overall effect on visual receptors would be very limited.

Overall, the impact on the landscape would be very localised and for a temporary period of time and on balance it is considered that the landscape and visual effects are not unacceptable. A condition is recommended requiring further details of the landscape mitigation works to the outer banks of the stock piles. This is to help address the concerns of WCC Landscape and ensure that the seeding of the banks becomes established and is managed effectively.

Effect on agricultural land

The application site comprises agricultural land spread across five fields.

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

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

The application is supported by an Agricultural Land Classification (ALC) Report. At the time of the assessment (June 2022), the fields were being used as grasslands with exception of the north eastern field that was in use for growing potatoes.

The ALC report has determined that the quality of agricultural land across the site predominantly comprises BMV land. 78% (24.1 hectares) of the site area is classified as BMV land and 22% (6.9 hectares) falls outside the classification as BMV land. A breakdown of the grades across the site is provided below.

- Grade 1 ('Excellent'): 18.2 hectares (59% of the site)
- Grade 2 ('Very good'): 1.6 hectares (5%)
- Grade 3a ('Good'): 4.3 hectares (14%)
- Grade 3b ('Moderate'): 6.9 hectares (22%)

The grades of agricultural land have been used to inform an Agricultural Impact Assessment (AIA) which assesses the potential impacts on agricultural receptors, agricultural land and soil resources.

Chapter 4 of the ES considers the likely impact of the proposed development on agriculture and soils and draws on the ALC Report and AIA.

The proposal would result in the temporary removal of approximately 31 hectares of agricultural land, much of which is classified as BMV land. This would mean that productive agricultural land was unavailable for its primary use and this would have a disruptive effect on the farm holding (agricultural receptor) and potentially necessitate changes to the scale and nature of the agricultural enterprise. Having said that, the land required for the development represents approximately 10.8% of the total 286ha farm holding and as such the overall impact on the agricultural receptor would be reduced.

Soil management would be undertaken in accordance with the measures outlined within the Code of Construction Practice (CoCP) submitted alongside the application, supported by HS2 Information Paper E33 - Soil Handling for Land Restoration and the Outline Soil Management Plan that forms part of the AIA. The documents detail how controls will be implemented to mitigate potential avoidable impacts on soils and ensure that the soils are reinstated to their previous baseline prior to construction, tailoring guidance according to on site soil properties. The ES also details a series of best-practice mitigation measures that would be implemented to avoid or reduce environmental impacts during construction. These measures would ensure that the development would be undertaken in a manner that is consistent with the HS2 works being carried out under the HS2 Act 2017.

The land required for the proposed development is only needed for a temporary period, after which it would be reinstated to its present condition and returned to

its established use. There would not therefore be any permanent loss of agricultural land and the proposed measures to mitigate the impact on soils would help to ensure that there would be no detriment to the long term quality of the land. As such, officers conclude that the effect on agricultural land is acceptable. A condition is recommended requiring the development to be carried out in accordance with the CoCP and ES - which includes all the proposed mitigation and control measures for soil management.

Heritage

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. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting. This means that considerable importance and weight must be given to any harm caused to designated assets in the planning balance.

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 site contains no designated or non-designated built heritage assets. The site's wider context includes:

- Stoneleigh Conservation Area, located approximately 250m south-east of the site
- Several listed buildings, the majority of which are within the village of Stoneleigh. The nearest listed building is 5 and 6 Birmingham Road, located approximately 335m south-east of the site. The Grade I listed Church of St Mary is located 610m east of the site within the medieval core of Stoneleigh.
- Grade II* listed Stoneleigh Abbey Registered Park and Garden: This is divided into two halves; the western half is located approximately 475m southwest of the site and the eastern half approximately 230m south-east of the site

- Stoneleigh Bridge scheduled monument, located approximately 710m east of the site
- Two non-designated heritage assets: Swedish Houses, Birmingham Road, Stoneleigh, located 295m east of the site; and Wentworth House, Vicarage Road, Stoneleigh, located 275m east of the site.

The application is supported by a Heritage Statement which assesses the impact on built heritage assets within a defined 1km study area, including the above designated and non-designated heritage assets. It considers that there would be no impact on any of the 38 listed buildings within the study area and a negligible impact to the Stoneleigh Conservation Area and Stoneleigh Abbey Registered Park and Garden due to slight changes in the setting of these assets. It concludes that the impact of the development does not amount to harm to the significance of these assets.

The application has been assessed by the Council's Conservation and Design team and no objections have been raised.

The Conservation and Design team has not explicitly identified any harm and, having assessed the proposals in light of the applicant's Heritage Statement and the ES and considering the temporary nature of the development, Officers are of the opinion that the impact of the proposal on heritage assets would not amount to harm in the context of Chapter 16 of the NPPF. As such, it is not necessary to undertake a direct assessment against the requirements of paragraphs 201 or 202 of the NPPF, which relate to proposed developments where there would be substantial harm and less than substantial harm caused to the significance of a designated heritage asset respectively.

Subject to a condition requiring the land to be restored to its former condition when the proposed use of the land ends, the application is considered to accord with the NPPF and Policy HE1 of the Local Plan.

Archaeology

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

The application is supported by an Archaeological Assessment and the impact on archaeological heritage is considered within the ES. A Geophysical Survey has been carried out by the applicant and this found no definitive archaeological remains. The Archaeological Assessment details the potential for archaeological remains of different periods to survive within the site. It recognises that a programme of archaeological investigation and recording is necessary prior to any development works taking place to ensure that any archaeological remains are fully investigated and recorded.

WCC Archaeology have assessed the application and have commented that the proposed development site lies in an area of significant archaeological potential, with archaeological features and finds from the prehistoric periods onwards having been identified and recovered from the site itself and the wider area. The submitted Archaeological Assessment details these known sites. This includes a possible enclosure crop mark within the application site to the east of Kings Wood, although there is some uncertainty over its exact location. There is a potential for previously unknown archaeological deposits, pre-dating the medieval and later agricultural use of this area, to survive across this area and be disturbed by the proposed development. This is acknowledged by the Archaeological Assessment, which identifies a moderate potential for prehistoric and Roman features to survive across the site. There is also a potential for early medieval/Anglo-Saxon features to survive across this area.

Given the potential for archaeological features to be present within the site, WCC Archaeology have recommended that further archaeological evaluation is undertaken prior to the determination of the application and that this should comprise archaeological trial trenching.

The applicant considers that the further archaeological evaluation can be appropriately addressed through a suitably worded planning condition.

There is a moderate potential for the proposed development to disturb buried archaeological features. However, the proposal has a more limited subsurface impact than a permanent building and the layout is adaptable. In the circumstances, officers consider that a condition requiring further archaeological investigative work prior to the commencement of development is appropriate in this instance. It is recognised that the final form of the development may need to be tailored to take into account any important features of archaeological interest that should remain in situ, and planning conditions attached to any permission would need to reflect this possibility. Officers are satisfied that compliance with the relevant conditions would ensure that the scheme complies with the objectives of Local Plan policy HE4 Policy and guidance in the NPPF.

Notwithstanding the above, Officers are aware that the applicant has recently commenced some trial trenching on the site in consultation with WCC Archaeology. Should any additional information be submitted to the LPA in relation to this work then this will be reported to members in the written agenda update.

Amenity

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

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

The application is accompanied by a Noise and Vibration Assessment. This states that the nature of the construction work within the site would occur at a large distance (>150m) from the site boundary to the nearest receptors and would not involve any percussive or vibratory piling activities. The construction vibration impacts are therefore expected to be negligible and as such construction vibration is not considered in any further detail within the report. The assessment therefore focuses on the potential noise impacts of the development and provides an analysis of construction traffic noise and construction noise levels.

The Noise and Vibration Assessment identifies that the closest noise sensitive receptor to the proposed development is located approximately 155m to the west of the closest boundary of the site. There are also a number of noise sensitive receptors within 300m of the site including the residential area to the east at Vicarage Road and Hall Close, Stoneleigh. The impacts from construction traffic noise on the nearest noise sensitive receptors are predicted to be negligible and not significant. The predicted construction noise levels are well below the construction noise threshold value and Lowest Observed Adverse Effect Level (LOAEL) during the daytime construction working hours and are therefore unlikely to result in significant adverse effect. Potential out of hours maintenance and repair activities are also predicted to not generate significant adverse effects.

The application is also accompanied by a Light Pollution Assessment. Lighting columns would be installed along the compound spine road and to the HGV/Plant parking area; lighting would be on during the hours of darkness for reasons of health, safety and security. The Light Pollution Assessment does not identify any potential adverse impacts on sensitive receptors as light spill would not reach the nearest residential receptor. A condition is recommended requiring a detailed design for the proposed lighting strategy.

An Air Quality Mitigation Statement has been provided and this concludes that annual mean NO₂ concentrations are not predicted to exceed the air quality standards in both the with and without construction of the proposed development scenarios. No specific mitigation measures are therefore proposed with respect to road traffic emissions.

The submitted CoCP details a series of measures that would mitigate the development's impact on amenity, including in relation to noise, dust, odour and air quality. It is to be noted that the construction/site working hours would mirror those of the existing compound.

Environmental Protection have assessed the application and no concerns have been raised. The Environmental Health Officer has commented that potential adverse impacts on local amenity would be adequately controlled by the existing Environmental Minimum Requirements (EMR) for HS2 Phase One, the Code of Construction Practice (CoCP) and Section 61 of the Control of Pollution Act 1974. It is considered necessary to impose a condition requiring the development to be carried out in accordance with the EMR and the submitted CoCP. This is to ensure that the impacts of the proposed development are adequately mitigated and so that this development, which falls outside of the scope of the HS2 Act 2017, is carried out in line with the works that do fall under that Act.

Highway matters

Access:

The existing A46 Main Compound has its primary vehicular access onto the B4115 Ashow Road. This road lies to the east of the application site.

The A46 Main Compound access is to be revised so that the route is directly onto Stoneleigh Road rather than the B4115 Ashow Road, with the existing compound access on Ashow Road removed.

The proposed new access off Stoneleigh Road would form a standard priority T-junction. The proposed T-junction is envisaged to be in place as a short-term measure, being replaced by the approved roundabout on Stoneleigh Road that is to provide access to the relocated Rugby Farmers' Market, as per planning permission W/20/2013.

The proposed new access is intended to accommodate all vehicular trips at the extended compound. All Heavy goods vehicles (HGVs) would utilise this access, thus avoiding Ashow Road and the Ashow Road/Stoneleigh Road crossroads and allowing for a more direct route to the Strategic Road Network. Light goods vehicles (LGVs) and cars are also to be routed via the new Stoneleigh Road access.

Vehicular Trip Generation:

While the proposed development extends the existing Main Compound by approximately 30 hectares, it is not anticipated that there would be any additional trips over and above the trip generations that have already been consented under the HS2 Act 2017.

The existing compound was to be served by two access routes – one route utilising Stoneleigh Road and the B4115 Ashow Road throughout the entire construction period, and the second being a one-way routing that would enter the A46 Main Compound from the south via the B4115 Ashow Road and depart via a newly constructed roadhead directly onto the A46 Kenilworth Bypass.

Under the existing consent, 55 daily two-way HGV movements would utilise the dedicated route via the B4115 Ashow Road and Stoneleigh Road, while 272 daily two-way HGV movements would initially utilise a one-way routing to enter the A46 Main Compound from the south via the B4115 Ashow Road, and then leave the A46 Main Compound again via the B4115 Ashow Road and Stoneleigh Road (to the north). The 272 two-way HGV movements would later increase to 822 daily two-way HGV movements upon the opening of the dedicated roadhead onto the A46 Kenilworth Bypass. However, it is no longer intended to construct the roadhead directly onto the A46 Kenilworth Bypass and as such the associated 822 two-way HGV movements per day that were to be introduced are rendered obsolete.

The trip generation for the proposed development is to be 272 two-way HGV trips per day, being routed via Stoneleigh Road only.

LGV and car trip generations remain unchanged from the original consent (between 145 and 190 two-way trips per day).

Parking:

The parking area proposed within the compound extension is for site-based vehicles only, and there would not be an increase in cars commuting on the public highway network to the compound (as extended by the proposed development).

Sustainable Travel:

The Transport Assessment includes a Framework Workforce Travel Plan (FWTP), which sits within the context of the High Speed 2 Phase One and 2a Route-Wide Traffic Management Plan.

The FWTP considers the requirements to be followed to manage the traffic related impacts associated with proposed development with the intention of helping to reduce the impact of travel demands of the compound site. The FWTP sets out proposals for site access for all workers and site staff, considering the availability of public transport routes and facilities for cycling and walking per anticipated demands.

Given that the proposal is for an extension to the existing compound that is to be used for storage and access route only and the proposal would not result in any material changes to the established travel demands of the workforce, officers are satisfied that the measures contained within the FWTP are sufficient in conjunction with the sustainable travel arrangements in place for the existing consented compound. A condition is recommended to this effect.

Conclusion:

The purpose of the proposed development is primarily to accommodate storage and management of soils and other materials, and in so doing minimise concentrations of construction-related traffic on the local road network by allowing phased transportation of those materials in advance of the peak demand for them. Furthermore, the proposed development would remove HGVs associated with HS2 construction from the local road network on Ashow Road and its junction with Stoneleigh Road, allowing for more direct access onto the A46. These are considered to provide highway related benefits and weigh in favour of the application.

It is not anticipated that there would be any increase in vehicle movements associated with the compound as extended by the proposed development. Indeed, the information suggests that there would be fewer HGV movements in comparison to the maximum HGV trips already consented.

The applicant's Transport Assessment has determined that traffic associated with the extended compound would not result in an adverse effect on the current operation of Stoneleigh Road nor result in any significant material effects on the current operation of the surrounding local and strategic road networks. No

mitigation infrastructure is deemed necessary to accommodate trips associated with the proposed development.

The application has been assessed by the Local Highway Authority (LHA) and National Highways and no objections have been raised. As a nearby local authority, Coventry City Council was consulted on the application and have commented that they do not consider that there would be any significant impact on the road network.

The proposed new T junction onto Stoneleigh Road is considered acceptable, subject to a condition requiring the bellmouth to be laid out and constructed in accordance with the standard specification of the Local Highway Authority. The LHA has also recommended a condition requiring the proposed access to be closed and the kerb and verge reinstated upon completion of the new access arrangements (roundabout) as permitted under planning approval reference W/20/2013.

The CoCP also includes details of measures to reduce potential transport impacts. This includes generic route-wide measures for HS2 construction and local traffic management plans (LTMPs). The implementation of such measures would further mitigate any transport related effects.

Subject to the aforementioned conditions, the application complies with Policies TR1, TR2 and TR3 of the Local Plan and the NPPF.

Trees

An Arboricultural Assessment has been provided with the application; this includes an arboricultural impact assessment, an arboricultural method statement and tree constraints plan showing proposed tree protection measures.

Trees within the application site are predominantly located around the perimeter of the site and field boundaries within the site. The fields themselves are largely devoid of trees but are bordered by large groups of trees and hedgerows containing the majority of the individually surveyed trees, which range from Category A-C. Most of the trees to the external periphery of the site lie to the northern and eastern boundaries. None of the trees surveyed within the application site were recorded as veteran trees, however three trees on the eastern boundary were found to be developing features associated with veteran trees.

The application site surrounds, but does not include, an area of ancient woodland known as Kings Wood. Kings Wood is a Planted Ancient Woodland Site (PAWS) and such sites are protected through the planning system (NPPF para 180 (c)). The application site also surrounds a group of Category B trees to the west of Kings Wood where there are two ponds.

No trees are proposed to be felled or pruned to facilitate the proposed development. Six sections of hedgerow are proposed to be removed. One section is to be removed along Stoneleigh Road to form the proposed new access and a very short section is proposed to be removed to the eastern edge of the site to form a drainage channel. The remaining sections are proposed for

removal within the site to allow for the formation of the spine and haul roads (one of which is also required to enable access to the approved roundabout to the Rugby Farmer's Market). All sections of hedgerow would be reinstated as part of the site restoration.

The scheme provides measures to protect Kings Wood. A buffer is provided around the entirety of Kings Wood and a protective barrier is proposed to be formed. The woodland would be 20m from the site boundary, with 15m being the minimum buffer acceptable between site works and a PAWS to comply with the Environmental Minimum Requirements (EMR) of HS2. Protective barriers are also proposed to protect individual trees, groups of trees and certain hedgerows as specified within the Arboricultural Assessment. The Root Protection Areas of the existing trees have influenced the proposed site layout, particularly the mature/veteran trees to the eastern boundary, with offsets provided to mitigate potential impacts on the retained vegetation.

The Council's Arboricultural Officer has assessed the application and considers that the applicant's Arboricultural Assessment provides a good analysis of the tree stock and provides realistic measures to prevent harm to trees and hedgerows during the course of the proposed life of the compound. No objections have therefore been raised and a condition has been recommended to ensure that the proposed protection measures are adopted.

As a neighbouring local authority within relatively close proximity to the application site, Coventry City Council (CCC) was consulted on the application. This was principally on the basis of the potential highway impacts. The consultation response from CCC includes detailed comments from their Tree Protection Officer raising numerous concerns and issues with the potential impact of the development on trees. It is unusual for an Arboricultural Officer in a neighbouring authority to formally comment on tree issues when there is such a significant separation distance between a development site and the neighbouring local authority boundary. The comments are nevertheless acknowledged and have been shared with the WDC Arboricultural Officer. Notwithstanding the comments from CCC, Officers are satisfied that the arboricultural impacts of the development can be made acceptable through the mitigation proposed based on the advice provided by this authority's Arboricultural Officer.

Ecology

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

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

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

The likely effects of the proposed development on nature conservation and biodiversity have been assessed in the submitted Biodiversity Statement and Chapter 6 of the ES. The Biodiversity Statement comprises of a Preliminary Ecological Appraisal (PEA), species survey reports and a Biodiversity Impact Assessment Report (Biodiversity Net Gain Feasibility Report).

The submitted information concludes that the proposed development would not adversely affect any statutorily protected sites, and this is confirmed by the consultation response from Natural England.

The closest non-statutory designated site is Kings Wood, a replanted ancient woodland (ecosite), that is surrounded by the application site and is identified as a habitat of principal importance. Due to its proximity to the development and the nature of this habitat, specific mitigation measures have been proposed for Kings Wood. Indirect effects on Kings Wood from light, noise, vibration and dust deposition, most notably from plant using haul roads adjacent to the western and southern boundary of the woodland, are to be managed through implementation of measures in the CoCP and the provision of the following features:

- 20m buffer around the outside of Kings Wood within which no construction would take place, thus ensuring a tree root protection area
- Light barriers on the north and south woodland edges
- Noise and dust barriers on the west woodland edge

The Biodiversity Statement provides an analysis of the different habitats within the site as well as the two parcels of land that the application site surrounds - Kings Wood and the two ponds to the west of the wood. These two ponds and ditch running along the north-west boundary of Kings Wood have been specifically considered within the report due to their close proximity to the proposed development and suitability for great-crested newts.

An assessment of the hedgerows within the site is also provided, none of which meet the criteria for "Important hedgerows" in Section 4, and Part II within Schedule 1 of The Hedgerows Regulations 1997 legislation. The sections of hedgerows that are proposed to be removed would be reinstated following decommissioning of the development, and any other gaps bolstered to improve connectivity along these features. Where replanting is undertaken, it is stated that this would utilise a variety of native species of local provenance, including native elm where appropriate.

The Biodiversity Statement considers the potential impact on protected and notable species of fauna, including bats, birds, great crested newts (GCN),

reptiles and another protected species. Due to the potential for likely impacts, specific mitigation measures are proposed for each of these.

Section 9 of the CoCP also includes a requirement to implement a range of general construction safeguards to protect ecological receptors.

WCC Ecology has been consulted and have commented that the make-up of the proposed compound site is such that it forms a valuable habitat mosaic, located within a wider landscape of similar habitats (including the River Avon corridor to the east), and is capable of supporting a range of protected and notable species. The response states that they consider that key information is missing from the ES, both in terms of construction details and ecological information; particularly relating to habitats. It is also considered that inadequate and inappropriate protection/avoidance measures are proposed as well as discrepancies in different parts of the ES.

The applicant has provided a response to these comments, identifying where certain information is contained within the planning application submission and providing clarification on specific aspects of the development where queries have been raised. WCC Ecology have subsequently been re-consulted and a response is awaited at the time of writing.

Officers have considered the ES, Biodiversity Statement and supporting ecological reports along with the consultation comments from WCC Ecology and the applicant's response. Officers have also had regard to the Natural England and Forestry Commission 'Standing Advice: Ancient woodland, ancient trees and veteran trees: advice for making planning decisions', as advised by the Forestry Commission.

The proposed development would clearly have an impact on the existing habitats on the site and is likely to result in a degree of disturbance to species and as well as disruption to habitat connectivity and ecological functionality. However, the application proposes a range of measures to mitigate the ecological impacts of the development, including precautionary measures, habitat and species specific mitigation measures and compensatory actions. The proposed layout also includes areas within the site where no development would occur and these would form areas of ecological habitat that provide opportunity for enhancement measures. The effects of the development would also be finite and the land would eventually be restored to its present state. No significant ecological impacts have been identified beyond the compound site (i.e. the application site, Kings Wood and the ponds to the west of the wood).

Officers will provide an update to members following receipt of further comments from WCC Ecology.

Biodiversity Net Gain (BNG)

The application includes a Biodiversity Impact Assessment (Biodiversity Net Gain Feasibility Report). The report provides the findings of the BNG calculations undertaken as part of the BIA and makes recommendations on how the proposed development can achieve a measurable biodiversity net gain. The proposed options for landscape and ecology design include:

- Option A – Explores the feasibility of achieving biodiversity net gain based on the proposed development being built prior to the adjacent Rugby Farmer’s Market Roundabout (RFMR) scheme.
- Option B - Explores the feasibility of achieving biodiversity net gain based on the proposed development being built after the adjacent RFMR scheme.

Under Option A the proposed development is projected to result in a biodiversity loss of 11.66% for area habitats and loss of 3.58% for hedgerows, post-development.

Under Option B a loss of 11.76% for area habitats and loss of 2.55% for hedgerows post development is projected.

The report states that it may not be possible to mitigate the loss of biodiversity within the proposed development site and therefore off-site locations are also being considered for the provision of BNG, which would need to be agreed with the LPA.

During the course of the application, the applicant has advised that they intend to use an offsite location in order to satisfy the BNG requirements for the scheme. An offsite location is required as the land agreement (lease) for the application site does not allow for onsite provision; the land within the application boundary is being returned to the landowner once the proposed temporary construction use comes to an end and following restoration to agricultural land.

It is proposed that the scheme, alongside the consented Rugby Farmers Market Roundabout scheme (application reference W/20/2013), will use a single site to discharge the BNG requirements for both schemes. The site will be located within Warwick District and will be located on land that has already been purchased for HS2 use, which will then be retained for BNG purposes rather than disposed of following construction of HS2.

Officers consider that securing a net gain off-site is acceptable and will allow for long term biodiversity benefits given that the proposed use is temporary and the land is to be returned to its existing agricultural state once the construction phase ends. The detailed scheme of the BNG is to be secured by condition.

Flood risk and drainage

The application site is located entirely within Flood Zone 1 on the Environment Agency's Flood Map for Planning and the risk of flooding from river sources is therefore low. The Flood Risk Assessment (FRA) submitted with the application confirms that the development is not expected to increase fluvial flood risk and therefore the risk of flooding from this source to the site is expected to remain at low risk and the risk of flooding to existing identified third party receptors is not expected to be increased.

The proposed development would increase the impermeable area within the site boundary. A surface water drainage strategy to mitigate the surface water flood

risk to the site and third party receptors has been developed. The proposed surface water drainage system would utilise sustainable drainage features, including a drainage attenuation pond located in the southernmost part of the site, and discharge into an existing HS2 temporary drainage channel associated with the existing Main A46 Compound, which ultimately outfalls to the River Avon. Discharge to the River Avon has been previously consented by the Environment Agency and the applicant has confirmed that they will be submitting an application to the Environment Agency for a consent variation to the existing consented outfall to the River Avon to accommodate the additional proposed discharge. The FRA states that, subject to Environment Agency approval of the consent variation, it is expected that the site will be at low risk of surface water flooding during the operation of the temporary works and it is not expected that the proposed development would impact surface water flood risk to identified third party receptors.

The requirement for temporary land drainage ditches around the external perimeter of the works area has been identified. The function of these ditches is to control any potential surface water, polluted or silty water run-off into adjacent land originating from construction related activities within the application site boundary. This is also to assist in the drainage of temporary platforms and haul roads for increased durability and stability of formation earthworks. The temporary land drainage ditches would collect surface water runoff from the temporary stockpile areas, haul roads, HGV/Plant parking and laydown areas and convey this to the attenuation pond. The pond lies within the low point of the site and would be excavated to approximately 4.6m below the existing ground level, with the water level expected to be approximately 2.2m deep.

The submitted CoCP includes a suite of measures designed to mitigate flood risk and drainage issues and protect water resources. This includes a requirement for a Local Environmental Management Plan (LEMP) to be produced by the applicant.

The Lead Local Flood Authority (LLFA) has been consulted on the application. At the time of writing there is a holding objection in place because it is considered that the details relating to the surface water drainage are insufficient. While there is no fundamental objection to the scheme, the LLFA has identified a number of uncertainties and inconsistencies within the submitted details that need to be resolved. A meeting has recently been held with the LLFA and the applicant to help resolve matters and additional/amended information has subsequently been submitted. Further comments from the LLFA are awaited and an update will be provided to members of this. The officer recommendation reflects the need for drainage matters to be fully resolved to the satisfaction of the LLFA.

Other matters

A Contaminated Land Survey has been submitted with the application and this has been assessed by Environmental Protection. To address potential issues relating to land contamination, Environmental Protection have recommended a condition regarding the reporting of any unexpected contamination that is

encountered during the development. Such a condition is considered to be reasonable and necessary.

There is a public right of way adjacent to the site but it is to be noted that the Public Rights of Way team has not raised any objections to the application.

Sixteen objections have been submitted in response to the publicity of the application and the concerns raised have been summarised within this report. Stoneleigh and Ashow Parish Council has also submitted an objection, citing concerns in relation to drainage, the effect of lighting and insufficient consultation. Comments have also been made by the Parish Council in relation to the reinstatement of the land and highway matters.

Objectors and the Parish Council have commented that there have been issues with surface water running down Birmingham Road and through the village of Stoneleigh and there are concerns that the proposed development would exacerbate this. The Parish Council has sought assurances from the applicant that the water from the soil mounds will be adequately managed by the attenuation ponds and not run into the village. As discussed earlier within this report, a drainage scheme has been designed which seeks to manage surface water from the development, with temporary drainage channels incorporated to capture run-off from the stockpiles and areas of hard surfacing. This would then be directed to an attenuation pond within the low point of the site adjacent to the existing compound. The details of the strategy are however still to be agreed with the LLFA and the application can only be deemed acceptable if drainage matters are satisfactorily resolved.

Concerns have also been raised by the Parish Council as well as objectors in relation to the proposed lighting. The submitted Light Pollution Assessment demonstrates that light spill beyond the site boundary would be extremely limited and largely restricted to around the site access on Stoneleigh Road.

Concerns have been raised with the applicant's pre-application consultation process. Whilst there may be local concerns with this, the publicity undertaken by the Local Planning Authority on the planning application meets all statutory requirements.

Local residents and Stoneleigh and Ashow Parish Council have raised issues with a lack of detail on the reinstatement of the land and timescales. The submitted information details the existing condition of the site and provides a timetable for the development, including decommissioning and restoration. A condition requiring the land to be restored to its pre-development condition and with a time limit on the duration of the development is considered adequate.

The Parish Council and local residents have raised issues relating to the highway impacts of the development, including the suitability of the proposed access, increased construction traffic on the local road network (including through the village of Stoneleigh). In response to these concerns, the purpose of the application is to help mitigate the highway related impacts of HS2 construction and it has been shown that the proposal would not result in an increase in vehicular movements on the road network. The new access on Stoneleigh Road

is considered acceptable to the Local Highway Authority, who have not raised any concerns with the application.

Stoneleigh and Ashow Parish Council have requested that, should the application be approved, the temporary traffic lights at the Stoneleigh crossroads are removed and Birmingham Road is closed off to through traffic in Stoneleigh Village. The applicant has responded to this and has stated that the temporary traffic lights at the B4115 Ashow Road, Birmingham Road and Stoneleigh Road junction (Stoneleigh crossroads) are currently in place to manage traffic associated with the current A46 Main Compound access (off the B4115 Ashow Road). These traffic lights would be removed when the proposed new T junction on Stoneleigh Road is in place. HGV movements to/from the strategic road network (SRN) for the A46 Main Compound and its extension would only pass along Stoneleigh Road and would not pass through the village of Stoneleigh (given the A46 is the nearest stretch of the SRN). It would be for the Local Highway Authority to consider reinstating the Stoneleigh crossroads traffic lights after their removal, together with closure of the Birmingham Road in Stoneleigh. From an officer perspective, the request from the Parish Council falls outside of the scope of this planning application and would need to be looked at separately.

Concerns have been raised by objectors with regards to increased mud on the public highway. The proposal includes wheel wash facilities and the CoCP includes measures that would mitigate such impacts.

All other issues raised by objectors are considered to have been addressed within the relevant sections of this report. The comments made in relation to the merits of HS2 are not material planning considerations.

PLANNING BALANCE AND CONCLUSION

The proposed development is required in connection with the delivery of HS2, a nationally important infrastructure project. There is an existing construction compound being used to deliver a section of the route and the proposal would allow for an extension of the existing compound to facilitate storage and management of materials as well as providing a new access off Stoneleigh Road for all associated construction traffic. The proposal would provide several benefits, including reducing construction traffic on local roads and minimising interaction with peak times on the road network.

The proposal would give rise to a series of environmental impacts which have been considered within this assessment. It is considered that the potential impacts of the development can be mitigated to an acceptable extent and, importantly, there would not be any permanent adverse impacts because of the temporary nature of the development. As such, the benefits of the proposal in terms of facilitating the delivery of HS2 and the other benefits identified within the application are considered to clearly outweigh the temporary harm that would arise, including harm to the Green Belt. This is subject to the satisfactory resolution of drainage and biodiversity issues as discussed within this assessment and subject to the conditions set out below.

CONDITIONS

1 Time limit:

The development hereby permitted is limited for a period of 7 years from the date of this permission. Before the expiration of the planning permission, all structures, buildings, construction materials, hard surfacing and ancillary works associated with the compound shall be removed from the application site and the land restored to its pre-development condition and land use. The land shall be restored in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority within 5 years of the date of this permission.

Reason: The proposed development is for a temporary period and is only acceptable on this basis. This is in the interests of preserving the Green Belt, local landscape character, the land resource, ecology, amenity and highway safety.

2 Approved plans:

The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings listed below and specification contained therein, subject to any variations required in connection with Condition 3(c).

- HS2 A46 MAIN COMPOUND EXTENSION PROPOSED LAYOUT
- HS2 A46 MAIN COMPOUND EXTENSION SECTIONS
- HS2 A46 MAIN COMPOUND EXTENSION PROPOSED TEMPORARY BUILDINGS

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 Archaeology:

No development shall take place until:

a) a written scheme of investigation for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority;

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved scheme has been undertaken, and a report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the Local Planning Authority;

c) a mitigation strategy, informed by the results of the archaeological evaluation, has been submitted to and approved in writing by the Local

Planning Authority, to include any archaeological mitigation measures, including any necessary adjustment to the layout and details of the scheme.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition, shall be undertaken in accordance with the approved archaeological mitigation strategy. 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 District's 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 and guidance in the National Planning Policy Framework.

4 Tree protection measures:

Prior to the commencement of the development hereby approved (including site clearance or other preparatory works), the tree protection measures in the Arboricultural Assessment from HS2, reference TT12 dated June 2023, and shown on the appended Tree Constraints Plan, together referred to as the scheme of protection, shall be adopted. The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

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

5 The existing trees as indicated on the submitted Tree Constraints Plan shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted. Any trees 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 of the cessation of the compound use shall be replaced within the next planting season with trees of the same size and species. All trees 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.

6 Biodiversity net gain:

The development hereby permitted shall not be brought into use unless and until a detailed scheme for biodiversity enhancements to achieve a net gain in biodiversity has been submitted to and approved in writing by the Local Planning Authority. The net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric 4.0. The scheme shall include full details of the type and location of the proposed biodiversity enhancements, a schedule detailing the timings for the provision of the enhancements and details of future maintenance and monitoring. The enhancement measures shall be provided in accordance with the approved scheme.

Reason: To ensure net gains in biodiversity, in accordance with the requirements of the National Planning Policy Framework and Policy NE3 of the Warwick District Local Plan.

7 Mitigation measures:

The development hereby approved shall be carried out in full accordance with the published Environmental Minimum Requirements for HS2 Phase One, the submitted Code of Construction Practice and Related Documents (Ref: TT15, June 2023) and all mitigation measures contained within the Environmental Statement and Appendices (Ref: TT6, TT8 & TT9, June 2023).

Reason: To mitigate the impacts of the development as detailed within the Environmental Statement.

8 Landscape scheme for stock piles:

Before the development is brought into use, a temporary landscape scheme and maintenance thereof for the outer faces of the proposed stock piles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the proposed landscape and visual mitigation measures, including the use of seeded wildflower grassland on the outer faces of the proposed stock piles, as well as ground preparation prior to seeding and the proposed use of the arisings generated by the established swards. The landscape and visual amenity mitigation measures shall be implemented in accordance with the approved scheme and as detailed on drawing numbers TT25 and TT26.

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 Travel plan

The development hereby permitted shall be carried out in accordance with the measures detailed within the Framework Workforce Travel Plan contained within the submitted Transport Assessment and any approved Workforce Travel Plans associated with the operation of the existing compound.

Reason: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

10 Access:

The temporary 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 to accord with Policy TR1 of the Warwick District Local Plan.

11 Removal of temporary access:

Upon completion of the access arrangements permitted under planning permission W/20/2013 (or any approval that modifies that permission) all parts of the access onto Stoneleigh Road hereby approved shall be closed and the kerb and verge reinstated in accordance with the standard specification of the Highway Authority.

Reason: In the interests of highway safety and to accord with Policy TR1 of the Warwick District Local Plan.

12 Biodiversity mitigation:

The development hereby approved shall be carried out and provided in accordance with biodiversity mitigation measures detailed within the Biodiversity Statement (Ref: TT14, June 2023) and the Environmental Statement.

Reason: To mitigate the impact of the development on biodiversity and to accord with Policies NE2 and NE3 of the Warwick District Local Plan and guidance in the National Planning Policy Framework.

13 Unexpected contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a

verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029 and guidance contained within the National Planning Policy Framework.

14 Lighting:

A detailed design for the proposed lighting of the site shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The lighting scheme shall be designed in accordance with the principles set out within the submitted Light Pollution Assessment (Ref: TT21, June 2023). The approved lighting shall be provided and operated in accordance with the approved detailed design.

Reason: In the interests of biodiversity, the visual amenity of the landscape and residential amenity and to accord with policies NE3, NE4 and BE3 of the Warwick District Local Plan.

Planning Committee: 08 November 2023

Item Number: 7

Application No: [W 23 / 0988](#)

Town/Parish Council: Leamington Spa
Case Officer: Millie Flynn

Registration Date: 27/07/23
Expiry Date: 21/09/23

01926456140 millie.flynn@warwickdc.gov.uk

The Old Nursery, 6, Mill Road, Leamington Spa, CV31 1BE
Erection of replacement 3no.bedroom timber frame dwelling. FOR D & J.
Whitehead

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The application seeks permission for the erection of a replacement dwelling at The Old Nursery, 6 Mill Road.

THE SITE AND ITS LOCATION

The application site is positioned on the north side of Mill Road and is located within the Royal Leamington Spa Conservation Area and Flood Zone 3. Mill Road originally acted as a service road to serve the large dwellings and their garages fronting Leam Terrace. The street scene is now characterised by large, spacious plots, with some three storey apartment blocks and large dwellings which are positioned close to the application site, with single storey garages opposite to the application site. Mill Gardens and the River Leam are located to the north-east of the site.

PLANNING HISTORY

No relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets

- TR1 - Access and Choice
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- FW2 - Sustainable Urban Drainage
- FW1 - Development in Areas at Risk of Flooding
- H1 - Directing New Housing
- FW3 - Water Conservation
- CC1 - Planning for Climate Change Adaptation

The Royal Leamington Spa Neighbourhood Development Plan

- Policy RLS1 – Housing Development Within the Royal Leamington Spa Urban Area
- Policy RLS2 – Housing Design
- Policy RLS3 – Conservation Areas

Guidance Documents

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: No objection.

WDC Conservation Officer: No objection, subject to condition.

WCC Highways: No objection, subject to advisory notes.

WCC Ecology: Object to the proposal until further information is provided (awaiting re-consultation response).

WCC LLFA: Object to the proposal until further information is provided (awaiting re-consultation response).

WCC Landscape: Objects to the proposal.

WDC Waste Management: No objection.

WDC Environmental Health: No objection, subject to conditions.

WDC Tree Officer: No objection, subject to condition.

Public Responses:

13 support comments received on the following grounds;

- Eco-friendly design, which acknowledges Flood Risk.
- The proposal makes use of the existing large garden.
- Existing property has no architectural merit and is out of keeping with the streetscene.
- High quality design and materials.
- The proposal is considered a positive addition to Mill Road.
- Unique

6 objections received on the following grounds:

- Reduction in the existing large garden.
 - Second floor is reminiscent of a watchtower.
 - The proposal does not harmonise with the existing landscape.
 - Loss of privacy.
 - The proposal causes overlooking.
 - The proposal is out of keeping with the character of the area.
- Impacts on streetscene.

ASSESSMENT

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

- Principle of development
- The impact on the character and appearance of the Conservation Area.
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers
- Parking and highway safety
- Ecological Impacts
- Landscape/Trees
- Drainage/Flood Risk
- Waste
- Contaminated Land
- Sustainability
- Other Matters

The principle of development

Local Plan Policy H1 directs new housing to the urban areas, the site is located within the urban area of Royal Leamington Spa. The proposal seeks to erect 1no. replacement dwelling on Mill Road. Given that the application site is located within an urban area and is for a replacement dwelling, the principle of development is acceptable.

The proposal is therefore considered to comply with Local Plan policy H1.

Design and 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. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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.

Policy HE2 states that consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will preserve or enhance the character or appearance of the conservation area. This policy seeks to retain the integrity and form of unlisted buildings in conservation areas and recommends resisting alterations which would have an adverse effect upon the overall character of the conservation area.

Policy BE1 states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form so that the established character of the streetscene is respected. BE1 states that in order to do this the development should adopt appropriate materials and details and respect the surrounding buildings in terms of scale, height, form and massing.

Policy RLS3 of the Royal Leamington Spa Neighbourhood Plan requires proposals that are within or directly affect the Conservation Area to demonstrate that they harmonise with the existing character of the area in terms of design, scale and external facing materials. The policy supports the retention, restoration and reinstatement of period details.

Objections have been received with concerns regarding the reduction/loss of the existing large garden and further concerns that the proposal is out of keeping with the existing character of the area.

The character of Mill Road, and in particular the side of the road where the proposed dwelling would be positioned, is one of spacious plots, with large amenity areas. To the east and west of the site is Cecil Court and Milford Court, both are large, three storey apartment blocks which again benefit from ample amenity areas to the rear and front of the sites. On the other side of the road, the character does differ, with large terraced properties which front onto Leam Terrace and their garages which are accessed from Mill Road.

The existing dwelling is not considered to make a contribution to the Conservation Area and the location itself is somewhat more adaptable to a modern structure, due to the mixture of age and design of buildings within the vicinity. That being said, it does lie within the Leamington Urban Conservation Area and has Jephson Gardens, which is a Grade II registered Park and Garden under the grouping of the Spa Gardens, to the rear as well as being in the wider setting of the rear of the listed buildings to Leam Terrace. As such, care and sensitivity is also required in consideration to form, massing and impact.

It should be noted that since the submission of the original application, the second floor and chimney have been removed, bringing the height down to the ridge line of the existing building. The garage to the east of the application has also been omitted.

Initially Officers considered the overall massing and scale of the proposed dwelling to compete with the neighbouring structures, which are a form, height and shape that is expected of a 1960s block of flats but not a detached dwelling. The proposal has subsequently been amended to reduce the overall height and scale of the building to that of the existing ridge level of the bungalow. Officers consider that such a height has less visual impact in terms of mass within the skyline of the Conservation Area and is considered more acceptable.

Officers considered that the initial tiered effect of three storeys resulted in an awkward, stacked effect, which was considered to negatively impact upon the Conservation Area. The proposal has been reduced to a two-storey development, with the existing chimney and terrace omitted from the scheme. Officers considered such features to be overbearing and stark against the existing streetscene and leafy landscape which surrounds the site. The amended scheme is now considered acceptable.

The proposed structure will be set well back from the road and the street scene is considered to be maintained as the proposed boundary wall will align with the existing height. It is noted, however, that the replacement dwelling is seeking to utilise space currently occupied by the large existing garden at the site. This site was previously a commercial garden and the legacy of this will be retained to the side garden and via the preservation of the vine house, with ample amenity space for a single dwelling maintained. Officers support the use of the reclaimed Leamington redbrick for the proposed boundary walls, such features are considered to be in keeping with the existing streetscene along Mill Road and an improvement on the existing. Initially a high brick wall was proposed to the street facing boundary wall, however this was not considered appropriate, as it closes off the front area to the site and would create a jarring presence between two open spaces either side. The plans have been amended to leave this features at its existing height and use landscaping to offer additional height and privacy for the future occupiers. The garage has also been omitted to allow for a greater sense of openness either side of the proposed dwelling.

In terms of impact on the setting of the registered Park and Garden, it is noted that the proposed replacement dwelling is well screened by established tall trees, that are also protected, due to their location within the boundary of the park. Officers also note that the proposal aligns with the existing skyline of the flat

modern roofs within the Mill Road and the proposal will be set at the ridge height of the existing bungalow, therefore its impact on the registered Park and Garden is considered to be acceptable.

The proposal also sits within the wider rear setting of the Listed heritage assets of Leam Terrace, of which Officers consider the impact of the new proposal not to result in any further harm to this setting, as it sits within an area of modern development to the opposite side of the road, set away from the streetscene. It is also noted that the existing bungalow is considered out of character and more visibly intrusive in terms of material and form.

Due to the mixed architectural character of this location, the site allows for some innovation in form and features and this proposal is considered to achieve a building which has high environmental credentials whilst sitting comfortably within the Conservation Area as a piece of contemporary design. It is acknowledged that this design is site specific however and that were there an established architectural grammar within this location, a more traditional form may be appropriate. The application has been considered both on the merits of the potential building and the diverse nature of the setting to ensure a positive outcome is achieved for both the site and the wider Conservation Area.

Officers consider that the proposal will preserve the character and appearance of the Conservation Area. The development would therefore be in accordance with the aforementioned policies.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site

Impact on Neighbouring Amenity

Local Plan Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. This is supported by the Council's Residential Design Guide SPD which provides further information in this respect, though, for example, the provision of minimum separation distance standards and guidance on the 45° guideline for example, to protect against overlooking and potentially overbearing impacts.

Objections have been received with concerns regarding loss of privacy and overlooking created by the proposal.

As previously noted, the proposal has been amended since the original submission to omit the terrace at first floor level. Officers also note that the neighbouring gardens serve the flats adjacent to the application site, it is considered that as such gardens serve flats opposed to single dwellings this a functional space, opposed to private amenity space. Therefore, Officers consider there to be no further concerns regarding the overlooking of the shared gardens are Milford Court and Cecil Court.

Officers note that there is a breach of 45 degree line when taken from the nearest habitable window at Milford Court. However, given that the proposal would be

positioned beyond 8.0m away, as specified in the Council's Residential Design Guide SPD, at such a distance, breaches will not usually be considered to result in material harm. This is the same for the neighbouring property at Cecil Court. Therefore, in this instance the breach of the 45-degree line is considered not to cause harm to the amenity of neighbouring properties in terms of loss of light.

The separation distances between the proposed dwelling and the existing properties are considered to be acceptable. The Council's Residential Design Guide SPD stipulates that the minimum separation distance required where properties share a front-to-front relationship across a highway is 15.0m, the distance from No. 8 -12 Millfield is ~ 36.20m and the distance from No. 27 Leam Terrace is ~43.60m. Therefore, in this instance such separation distance is complied with.

The proposed dwelling also shares a side-to-side relationship with existing blocks of flats located to the east and west of the application site, which are subject to a 16.0m separation distance. The separation distances from both Milford Court and Cecil Court are over 16.0m and therefore comply with the Council's RDG SPD.

Overall, Officers consider the proposal is acceptable with regard to its impact on existing residential amenity and would not result in any harmful impacts by reason of loss of light, loss of privacy or loss of outlook to existing neighbouring properties. The proposal accords with Policy BE3 and the Residential Design Guide SPD.

Living conditions for the future occupiers of the site

Local Plan Policy BE3 states that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development. This is supported by the Council's Residential Design Guide SPD which provides further information in this respect, though, for example, the provision of minimum separation distances and minimum standards for outdoor private amenity space.

The separation distances set out in the preceding paragraph demonstrate that the dwelling is very well spaced from its nearest neighbours, such that it would provide acceptable levels of light, outlook and privacy. It should also be noted that all habitable rooms will benefit from an acceptable outlook and level of natural daylight. For the same reasons, Officers therefore consider the amenity afforded to its future occupiers would be acceptable insofar as privacy and outlook are concerned.

The dwelling proposed would provide 3-bedrooms, 3-bedroom dwellings are required to provide a minimum garden size of 50m² as set out in the Residential Design Guide SPD. The proposed site plan shows that the new dwelling would benefit from ~300m² of private rear amenity space.

Overall, Officers are satisfied that the levels of amenity afforded for future occupiers are more than satisfactory having regard to the relevant policies and supplementary guidance and as such the development complies with Policy BE3 and the Residential Design Guide SPD.

Car Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan requires that all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The adopted Parking Standards SPD requires 3 bedroom dwellings to have 2 off-road parking spaces. The proposed site plan illustrates that these would be comfortably provided within the application site, as well as additional parking. Therefore, the parking proposed is in accordance with parking requirements set out in the SPD and is considered this is acceptable.

The Highways Authority have been consulted as part of the assessment of the application and raise no objection to the proposal, subject to the advisory notes attached.

Overall, Officers consider that the access arrangements for both vehicles and pedestrians are satisfactory and would not compromise highway safety or be detrimental to the safety of motorists, pedestrians, cyclists, or any other road users. Moreover, in the absence of an objection from the Highway Authority, Officers are satisfied that the development accords with Policies TR1 and TR3.

Ecological Impacts

Policy NE2 of the Local Plan seeks to protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 of the Local Plan states that new development will only be permitted where it protects, enhances and/or restores habitat biodiversity.

As additional information was required, the County Ecologist has been re-consulted and their comments are outstanding but will be added to the Update Report for Members in advance of the meeting.

Landscape/Trees

Policy NE4 of the Local Plan states that new development proposals should aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance.

The Council's Tree Officer has been consulted on the submitted tree-related documents and has concluded that the Tree Survey from TreeSafe ref:TS/JW.23 makes reasonable arguments for the tree removals to allow the proposed development to be built out as per the proposed plans, and the alignment and specification of the protective barrier fence to create the construction exclusion zone around the retained trees are good.

The Tree Officer has advised that if recommended for approval, a condition should be imposed to secure the implementation of the proposed tree protection measures set out in the report. It would be considered reasonable and necessary to impose the recommended condition.

It is noted that WCC Landscape have raised objections to the proposal and request a Landscape and Visual Appraisal Assessment (LVA) to assess the impact on the Conservation Area and further surrounding Heritage Assets. However, Officers do not consider such request reasonable for the level of works proposed, it is also noted that such impacts have been assessed by both the Planning Officer and the Conservation Officer and discussed in detail above. The Landscape Officers raises concerns regarding the boundary treatments initially proposed, as such they have been amended in line with the Conservation Officers comments. Again, concerns have been raised regarding the height and scale of the development, whilst it has been reduced since the original submission of the application, the reason for its additional height is because the dwelling sits on stilts, in order to provide mitigation against further flooding due to its close proximity to the river Leam. Officers are awaiting further comments from the LLFA on this matter. Further concerns relate to tree impacts and ecological matters, however the Officers have/will consider comments from the respective departments on these matters.

Drainage/Flood Risk

The application site is located within flood zone 3, land within flood zone 3 has a high probability of flooding from rivers.

The Local Lead Flood Authority objected to the application due to the lack of information submitted in order to assess the application. As additional information was required upon receipt, the LLFA were re-consulted and their comments are outstanding but will be added to the Update Report for Members in advance of the meeting.

Waste

In terms of waste, there are no changes to the existing arrangements. Waste and recycling storage can be accommodated within the site boundaries and out of sight of the public highway to the rear of the property. It should be noted that Waste Management have raised no objection.

Contaminated Land

The Council's Environmental Health Officer has been consulted and notes that an unknown sewage feature was previously located in the northeast area of the development site. The suspected structure is visible on an epoch map dated circa 1843 to 1893 and is not visible on any subsequent mapping. Therefore, it is suggested that a condition is imposed to secure that a watching brief is maintained

during the development works, in the event that any historic structures or visible contamination is encountered.

Sustainability

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 the following adaptation measures where appropriate:

- a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1;
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3;
- d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2;

Applicants are required to set out how the design and layout of the development has incorporated the above points. This information can be secured by condition.

OTHER MATTERS

Water Efficiency

A condition will be added to ensure compliance with Policy FW3.

Low Emissions

The proposal will result in additional vehicular movements and therefore there is a requirement for the provision of an electric charging point in accordance with the Council's adopted Air Quality SPD. A condition requiring details of the charging point is considered necessary and reasonable and so will be added to any approval granted.

CONCLUSION/SUMMARY

It is considered that the amended proposal would preserve the character of the Conservation Area and has an acceptable impact on the street scene and neighbouring amenity. The development does not pose risk to highway safety. The application is therefore recommended for approval.

CONDITIONS

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

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (LS)1.0.1/A, (LS)1.2/A, (LS)1.3/A, (LS)1.6/A, (LS)2.0/A, (LS)2.1/A, (LS)2.2/A, (LS)2.4/A, (LS)3.0/B, (LS)3.1/A, (LS)3.2/A , and specification contained therein, submitted on 29th September 2023. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Notwithstanding details contained within the approved documents, prior to commencement of development (within its relevant phase), a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;
- a) How the development will reduce carbon emissions and utilise renewable energy;
 - b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
 - c) Details of the building envelope (including U/R values and air tightness);
 - d) How the proposed materials respond in terms of embodied carbon;
 - e) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
 - f) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

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

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

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

- 4 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres

per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

- 5 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 6 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only 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.
- 7 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

Reason: To ensure the satisfactory provision of refuse and recycling storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To protect the amenity of future occupiers of the dwelling, in accordance with Policy BE3 of the Warwick District Local Plan 2011 - 2029.
-

Agenda Item No 8
 Planning Committee
 8 November 2023

Title: Probity in Planning

Lead Officer: Graham Leach, Head of Governance & Monitoring Officer,
 01926 456114 and graham.leach@warwickdc.gov.uk

Portfolio Holder: Councillor Davison & Councillor King

Approvals required	Date	Name
Portfolio Holder	31/10/23 31/10/23	Ian Davison Chris King
Finance		
Legal Services	31/10/23	Sue Mullins
Chief Executive	31/10/23	Chris Elliott
Director of Climate Change	31/10/23	Dave Barber
Head of Service(s)	31/10/23	Graham Leach
Section 151 Officer	31/10/23	Andrew Rollins
Monitoring Officer	31/10/23	Graham Leach
Leadership Co-ordination Group		

Final decision by this Committee or rec to another Cttee / Council?	No - Recommendation to Council on 15 November 2023
Contrary to Policy / Budget framework?	Yes
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No
Accessibility Checked?	Yes

Summary

The report brings forward the probity in planning document of Warwick District Council for consideration by the Committee and referral to Council.

Recommendations

- (1) That the Planning Committee recommends to Council the adoption of the Warwick District Council Probity in Planning document, as set out at Appendix 1 to the report, as Annex to the Constitution
 - (2) That the document be reviewed after 12 months operation with views sought from the Committee and Officers and brought back to Committee consideration.
-

1 Reasons for the Recommendation

- 1.1 The document being brought forward is based on the Local Government Association and Planning Advisory Service Probity in Planning guide. It clarifies how Councillors can get involved in planning discussions on plan making and on applications, on behalf of their communities in a fair, impartial and transparent way.
- 1.2 This guide has been written for Councillors and officers involved in planning, who should also be familiar with their own codes of conduct and guidance.
- 1.3 This guide is not intended to, nor does it constitute, legal advice. Councillors and officers will need to obtain their own legal advice on any matters of a legal nature concerning matters of probity.
- 1.4 To help develop the skills and knowledge of the Committee, Group Leaders support that site visits should be held regularly before the Committee meets. If there are no specific applications on the agenda that meet the test, as set out in the Probity document, a previous granted and since developed application should be visited. This will help to develop understanding for both Councillors and Officers of the more challenging applications.
- 1.5 The Committee will be aware that for several reasons a minibus is provided to them to facilitate these visits. In order to allow officers time to procure a new contract for the provision of the minibus, no site visits were proposed before the Committee on 7 & 8 November 2023.

2 Alternative Options

- 2.1 No alternative options were considered as it is recognised good practice to have such a document in place for the Council to provide clarity not only for Councillors and Officers but also members of the public.

3 Legal Implications

- 3.1 The report brings forward guidance for the Councillors and Officers based upon both legislation, case law and guidance, with the intention of reducing the risk of challenge of a decision that may be taken.

4 Financial Services

- 4.1 The report includes expenses in respect of site visits but provision for this is made within the budget already.

5 Business Strategy

- 5.1 Warwick District Council has adopted a Business Strategy which sets out key areas for service delivery. The report does not directly contribute to these but helps provide the foundation of good governance.

6 Environmental/Climate Change Implications

- 6.1 Include a summary of the environmental implications of the proposal in relation to the Council's policies and Climate Emergency Action Plan.

7 Analysis of the effects on Equality

- 7.1 There are no equality issues in respect of the report.

8 Data Protection

- 8.1 There are no direct data protection implications of the proposal.

9 Health and Wellbeing

- 9.1 There are no direct health and wellbeing implications of the proposal.

10 Risk Assessment

- 10.1 The report and proposal are brought forward to help reduce the risks associated with the planning process at Warwick District Council and provide clear guidance to both Councillors and officers.

11 Consultation

- 11.1 All members of the Planning Committee, Portfolio Holder for Place, Leader of the Council, Legal Services for the Council and Development Services officers were provided the opportunity to comment on the draft document ahead of publication.

Background papers: None

Supporting documents: None

Warwick District Council

Probity in Planning

Foreword

This is based on the Local Government Association and Planning Advisory Service Probity in Planning guide. It clarifies how Councillors can get involved in planning discussions on plan making and on applications, on behalf of their communities in a fair, impartial and transparent way.

This guide has been written for Councillors and officers involved in planning, who both should be familiar with their respective codes of conduct and appropriate guidance.

This guide is not intended to, nor does it constitute, legal advice. Councillors and officers will need to obtain their own legal advice on any matters of a legal nature concerning matters of probity.

Introduction

Planning has a positive and proactive role to play at the heart of local government. It helps to stimulate growth whilst looking after important environmental areas. It can help to translate goals into action. It balances social, economic, and environmental needs to achieve sustainable development.

The planning system works best when Councillors and officers involved in planning understand their roles and responsibilities, and the context and constraints in which they operate.

Planning decisions involve balancing many competing interests. In doing this, decision makers need an ethos of decision-making in the wider public interest on what can be controversial proposals.

It is recommended that Councillors should receive regular training on code of conduct issues, interests and predetermination, as well as on planning matters.

The general role and conduct of Councillors and officers

Councillors and officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst officers are responsible to the Council as a whole. At Planning Committee officers advise based on their professional training and experience, Councillors and the Council decisions. Officers are employed by the Council, not by individual Councillors. A successful relationship between Councillors and officers is based upon mutual trust, understanding and respect for each other's positions.

Both Councillors and officers are guided by their respective codes of conduct. The 2011 Localism Act sets out a duty for each local authority to promote and maintain high standards of conduct by Councillors and to adopt a local code of

conduct. In line with this, Warwick District Council, along with all Parish & Town Councils in Warwick District, has adopted the Local Government Association Model Code of Conduct.

The adopted codes of conduct for both Councillors and officers are consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

All Councillors and Officers should embrace the standards within the Code of Conduct central to the preservation of an ethical approach to Council business, including the need to register and disclose interests, as well as appropriate relationships with other Councillors, staff, and the public.

Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute.

In addition to these codes, the Council Procedure Rules set down the rules which govern the conduct of Council business.

Within their adopted Codes of Conduct, Councillors and officers are advised not to accept gifts and hospitality. Any Councillor or officer receiving any such offers over and above an agreed value must let the Council's Monitoring Officer know, in writing. Guidance on these issues for both Councillors and officers are set out in the Council's adopted code of conduct.

Serving Councillors and officers must not act as agents for people pursuing planning matters within their authority, even if they are not involved in the decision making on it.

The determination of a planning application is a formal administrative process involving the application of national and local policies, reference to legislation and case law as well as rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. All involved should remember the possibility that an aggrieved party may seek a Judicial Review of the Council's decision and/or complain to the Ombudsman on grounds of maladministration or a breach of the Council's codes of conduct.

Registration and disclosure of interests

The Code of Conduct for Councillors, adopted under the Localism Act, places requirements on Councillors regarding the registration and disclosure of their pecuniary interests and the consequences for a Councillor taking part in consideration of an issue in the light of those interests. The failure to register a disclosable pecuniary interest, participation in discussion or voting in a meeting on a matter in which a Councillor has a disclosable pecuniary interest, are criminal offences. Advice should always be sought from the Council's Monitoring Officer. Ultimately, responsibility for fulfilling the requirements rests with each Councillor.

The provisions of the Code of Conduct for Councillors goes further than the legal requirements of the Localism Act and includes other interests which may impact on

the finance or well-being of the Councillor, a relative or close associate or a body of which they are a member. These place further requirements on Councillors for disclosure and on participation in decision making. Councillors should always think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the Councillor's involvement would be appropriate. If members are unsure, they should always be cautious in their approach.

It is always best to identify a potential interest early on. If a Councillor thinks that they may have an interest in a particular matter to be discussed at Planning Committee they should seek advice from the Monitoring Officer as early as possible.

Predisposition, predetermination, or bias

Members of a Planning Committee, (or Local Plan Advisory Group, Cabinet and Council when the local plan is being considered) need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies.

The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a 'closed mind' approach and likely to leave the Committee's decision susceptible to challenge by Judicial Review.

Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the considerations presented at the Committee before deciding on how to vote (predisposition). The latter is acceptable, the former is not and may result in a Court quashing such planning decisions.

Section 25 of the Localism Act also provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter.

This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.

For example, a Councillor who states "the proposed development is a blot on the landscape and I will oppose each and every windfarm application that comes before the Committee" will be perceived very differently from a Councillor who states: "Many people felt the development is ugly and noisy and I will need a lot of persuading that this should be allowed in our area."

If a Councillor has predetermined their position, they should withdraw from being a member of the decision-making body for that matter. They could, however, register

to speak on this matter and could have a substitute take their place on the Committee for that meeting.

The Portfolio Holder responsible for Place can be a member of the Planning Committee, but significant caution needs to be applied and this should only be in limited circumstances, They should not participate in any Council application, ones from Council partners, or ones that come through as part of wider strategic projects or programmes. Like the Portfolio Holder for Place, other members of the Council, who have participated in the development of planning policies and proposals, need to exercise great caution during their involvement in decision making committees. This is because in both instances there is significant scope for predetermination or at least significant public concern of predetermination.

Development proposals submitted by Councillors and officers, and Council development

Proposals submitted by serving Councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be either planning applications or, for example, local plan allocation proposals. Such proposals must be handled in a way that gives no grounds for accusations of favouritism.

For that reason, Councillors should play no part in the consideration of any proposals they submit to the Council.

Any proposals submitted by serving Councillors or officers will be reported to the Planning Committee and not dealt with by officers under delegated powers.

A Councillor would undoubtedly have a disclosable pecuniary interest in their own application and should not participate in its consideration. They do have the same rights as any applicant in seeking to explain their proposal to an officer, but as an applicant, the Councillor should not seek to improperly influence the decision.

Proposals for the Council's own development (which includes proposals from Milverton Homes (either solely or as part of another Joint Venture), any Joint Venture (or similar) of which the Council is a partner or Warwickshire County Council), other than for approval of routine minor developments will be treated with the same transparency and impartiality as those of private developers. However unless the proposals are for minor routine developments, such proposals will be reported to Planning Committee for determination. The Cabinet will be recognised as the applicant in this instance and therefore no member of the Cabinet will be permitted to sit as a member of the Planning Committee for such an item.

Lobbying of and by Councillors

Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the Planning Committee.

The Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective

and suitable way that this can be done is through the local elected representatives, the councillors themselves”.

Lobbying can lead to the impartiality and integrity of a Councillor being called into question, unless care and common sense is exercised by all the parties involved.

As noted earlier in this guidance note, the common law permits predisposition but nevertheless it remains good practice that, when being lobbied, Councillors (members of the Planning Committee in particular) should try to take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments.

In such situations, members of the Committee should restrict themselves to giving advice about the process and what can and can't be taken into account.

Councillors can raise issues which have been raised by their constituents, with officers. If Councillors do express an opinion to objectors or supporters, it is good practice that they make it clear that they will only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material and planning considerations at Committee.

If any Councillor, whether or not a Committee member, speaks at the decision-making committee, they should withdraw from the meeting room once any public or ward member speaking opportunities had been completed in order to counter any suggestion that members of the Committee may have been influenced by their continuing presence.

The balance of roles between being a local Councillor and taking decisions with an open mind on Committee, is finely balanced and a significant challenge, but is the responsibility of the Councillor.

Planning decisions can only be made on the merits of the application, relevant national and local policies. They cannot be made on a party political basis and the use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.

Planning Committee, local plan advisory group members and Cabinet members should, in general, avoid organising support for or against a planning application and avoid lobbying other Councillors.

Councillors should not put pressure on officers for a particular recommendation or decision, and should not do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity.

Members of the Council can request within the specified consultation period i.e. 21 days that an application is referred to Planning Committee for determination. All requests should clearly state the planning reasons why a Committee referral is required.

Pre-application discussions

The Council has an adopted procedure for a Proposed Development Review Forum that can be requested by applicants to engage with the Council head of significant development coming forward. This is available via the Council's website.

Councillors can support applicants in pre-application advise with Officers, however in these instances the Councillor should not have any involvement in the determination of the application, though can address Committee if the matter comes before Planning Committee.

Officer reports to Committee

Over a number of years, decisions made by the courts and the ombudsman have clarified what should be contained in officer reports to Committee. To provide guidance, based on these wider clarifications, officer reports on planning applications will include the following:

- The substance of any objections and other responses received to the consultation.
- A clear assessment of the application against the relevant Development Plan policies, relevant parts of the National Planning Policy Framework (NPPF), any financial contributions required from the development (e.g. S106 agreement), and any other material planning considerations.
- a written recommendation for a decision to be made.
- technical appraisals which clearly justify the recommendation.

If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but also failure to do so may constitute maladministration or give rise to a Judicial Review challenge on the grounds that the decision was not taken in accordance with the provisions of the Development Plan and the Council's statutory duty under s38A of the Planning and Compensation Act 2004 and s70 of the Town and Country Planning Act 1990.

Any oral updates or changes to the report should be recorded.

Public speaking at Planning Committees

Public confidence is generally enhanced and direct lobbying may be reduced by the ability to allow public speaking at meetings.

The Council's procedure rules set out who can speak at meetings. People wishing to speak will fall into five categories, and these are:

- Parish/Town Council;
- Warwick District Towns Conservation Area Advisory Forum;
- Objector(s) to the application;
- Applicants/Supporters of the application; and
- Warwick District Councillor.

Anyone wishing to speak at Planning Committee must register their request to do so by 10am on the working day before (not of) the Committee.

Members of the public are not permitted to circulate any new documents (i.e. documents that have not previously been submitted to the Council on the relevant application) to the Planning Committee at the meeting, This is because Councillors will not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. This is made clear to those who intend to speak by the Civic & Committee Services Team when an individual register to speak.

At the Planning Committee meeting, messages including via mobile devices should never be passed to, or between individual Committee members, either from other Councillors, Committee members or from the public. Members should be mindful of the perception that may inadvertently be created by the use of mobile devices by Councillors within the meeting. The passing of messages could be seen as seeking to influence that member improperly and may create a perception of bias that would be difficult to overcome. It also creates the possibility for allegations being made that the Planning Committee did not take into account all the relevant information if members are seen to be using their devices and not paying attention to what is being said in the meeting.

Procedure at Planning Committee

The ruling of the Chairman for the meeting on the interpretation of any of either this document and the Council Procedure Rules, will not be challenged at any meeting of the Committee.

All Planning applications with public speakers will be dealt with first, followed by consideration of the remaining items in the order in which they appear above. This may not be the order in which they appear on the published agenda.

The Planning Officer will introduce their report, giving any updates since the preparation of the report.

The names of those persons registered to speak will then be announced by the Chair, in the order of: Parish/Town Councils, Warwick District Towns Conservation Area Advisory Forum, Objectors, Applicants/Supporters and District Councillors.

There will not be a specific formal questions slot.

After all the speakers have finished, the Chair will open the item up to the Planning Committee for questions of clarification of officers and then debate. In the debate no Officer or Councillor will be permitted to address the Committee without the permission of the Chair.

Finally, the Committee will be asked to take a decision on the application.

Reasons for Decisions

The law requires that decisions should be taken in accordance with the Development Plan, unless material planning considerations (which specifically include the NPPF) indicate otherwise (s38A Planning & Compensation Act 2004 and s70 of the Town and Country Planning Act 1990).

This applies to all planning decisions. Any reasons for refusal must be justified by reference to relevant Development Plan policies and other material considerations.

The courts have expressed the view that the Committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other material or non-material planning considerations, for example a significant number people have objected and the application might cause local controversy will rarely satisfy the relevant tests.

Planning Committees can, and sometimes do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome of the application, from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of compliance of the application with relevant policies, or of the weight ascribed to material considerations.

The Planning Committee will take the following steps before making a decision which differs from the officer recommendation:

- if a Councillor is concerned about an officer recommendation, they should, where possible, discuss their areas of difference and the reasons for that with officers in advance of the Committee meeting;
- the proposer and seconder will identify relevant policies and/or other material considerations and give detailed reasons as to how and why they are applicable to the decision. In doing so, Members need to consider carefully any evidence for or against their reasons; and
- could consider adjourning for a few minutes to enable the proposer and seconder to take advice from relevant officers.

When the Planning Committee makes a decision contrary to the officers' recommendation (whether for approval or refusal or changes to conditions or S106 obligations), a copy of the minute of the decision will be placed on the application file.

Officers will assist the Committee in formulating the reasons for a decision but to enable this, the Committee must identify the relevant policy and state how/why this is relevant to their decision. Councillors need to explain in full their planning reasons for not agreeing with the officer's recommendation. Pressure should never be put on officers to 'go away and sort out the planning reasons'.

The officers have a duty to provide advice to the Committee and protect the wider Council. Therefore, they will advise on the implications of a contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the Council, should one be made.

In proposing or seconding a decision, particularly where it is proposed to refuse planning permission contrary to the Officer recommendation, the proposer and seconder should understand they may be expected to contribute to written or verbal evidence at appeal including at Public Inquiries to support the Council's reason(s) for refusal.

All applications that are clearly contrary to the Development Plan must be advertised as such and are known as 'departure' applications. If it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the Development Plan must be clearly demonstrated.

The application may then have to be referred to the relevant Secretary of State, depending upon the type and scale of the development proposed (s77 of the Town and Country Planning Act 1990). If the officers' report recommends approval of such a departure, the justification for this must be included, in full, in that report.

Following the meeting Officers have delegated Authority to "Formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee." This is not to change the decision but used to amplify the decision and ensure standard phrases and reasoning are included, in doing so making the decisions as robust as possible. This is in instances where Committee have changed or added conditions/notes and or come to a contrary view to the recommendation in the report.

Committee site visits

National standards and local codes of conduct also apply to site visits. Decisions to visit sites should be made on a clear and consistent basis to help avoid accusations that visits are arbitrary, unfair or a covert lobbying device. Officers will have visited the site and assessed the scheme against policies and material considerations already.

Site visits should only be used in exceptional circumstances where the benefit of carrying out a site visit is clear and substantial. A site visit is only likely to be necessary if:

- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers or interested party; and/or
- the proposal is a significant regional or national development or particularly contentious.

Any Site visit undertaken by the Committee will be in accordance with the procedure set out at Appendix A to this document.

Procedures are in place to seek to minimise the deferral of planning applications to enable a site visit to take place. This is because such a deferral delays the determination of the application and increases both the financial and time costs of doing so.

Prior to the meeting, officers invite members to identify whether there are any sites that they consider necessitate a site visit and if so the reasons, as set out above, for that. This does not stop a site visit subsequently being requested at the meeting of the Committee as it may be further discussion at the meeting identifies a potential need to visit the site. A record of the reasons why a site visit is called will be recorded within the minutes of the Planning Committee.

When a site visit is proposed by a Committee member during debate, the Chair will ask for a seconder for that proposal and take a vote on it. If it is carried the item will stand deferred to enable a site visit. Prior to moving to the next item the Chair will seek any clarifications members of the committee would like to see on site and/or when the report comes back to Committee.

When a site visit is agreed, all Committee members are expected to attend.

A Councillor may visit an application site alone. In such a situation, a Councillor is only entitled to view the site from public vantage points and they have no individual rights to enter private property. They should also not discuss the application in any form with anyone at the site. Whilst a Councillor might be invited to enter a site (either the application site or an adjoining site) by the owner, it is not good practice to do so on their own, as this can lead to the perception that the Councillor is no longer impartial.

Review of decisions

It is good practice for Councillors to visit a sample of implemented planning permissions to assess the quality of the decisions and the development. This should improve the quality and consistency of decision-making, strengthen public confidence in the planning system, and can help with reviews of planning policy.

Reviews should include visits to a range of developments such as major and minor schemes; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The Planning Committee should formally consider the review and decide whether it gives rise to the need to ask Cabinet for any policies to be changed or for the Committee to review its procedures.

Training

Planning is complex and as there are currently many changes in planning taking place, Warwick District Council has determined that all Councillors should attend relevant training before sitting on Planning Committee. The Council has also committed to having regular training sessions through the year for the Committee, which all District Councillors are invited to attend.

**Warwick District Council Planning Committee
Site Visit Procedure**

A minibus will be provided for the members of the committee (and any known substitutes) to attend the site visit along with officers.

Form of Site Visit

A site inspection is not a formal meeting of the Planning Committee. It is an informal arrangement to provide members with information to enable a decision to be made at a subsequent Planning Committee in the light of all relevant information available.

Attendance at Site Visits

Officers will obtain the agreement of the applicant/landowner, normally via the agent, for a site inspection to take place on their land, where access is required.

All Members of the Planning Committee, or their substitute, will be expected to be present and relevant Officers of the District Council will attend.

The ward councillors for the ward in which the application site is located will also be informed of the inspection and can attend as an observer if they so wish. If a ward councillor is unable to attend, then they may request a parish/town council representative to attend on their behalf as an observer.

The applicant or their agent will be invited to attend the site visit and this will only be to answer factual questions where members require clarification.

Objectors/supporters/amenity group representatives will not be invited to site inspections.

Site inspection arrangements will be confirmed in writing, normally via email, to applicants/agents, Planning Committee members and relevant ward councillors.

Procedure on Site

The following procedural rules will be observed in the holding of all site inspections:-

- (a) The Chair will control proceedings throughout.
- (b) The Chair will explain that the purpose of the site inspection is to obtain information relevant to the determination of the application. They will summarise the proceedings and constraints as set out below.
- (c) The Chair will introduce the Planning Officer who will describe the proposal with reference to features on the ground and the submitted plans and summarise the relevant issues and material considerations.
- (d) Other Officers may be present to provide other relevant specialist information where required e.g. Highways and Environmental Health Officers.

(e) The Officers will provide clarification on matters relating to the proposal in response to questions from elected Members. The applicant/agent may be asked by the Chair to provide clarification on any factual details that are unclear.

(f) During the site inspection, no separate discussions must take place between Officers or Members and applicants.

(g) No hospitality will be accepted from the applicant or any other party present at the site inspection.

(h) Members may visit an adjoining site to view the impact of the development on an affected property, where a prior request has been made for such a visit and members consider it essential to make such a visit in order to properly determine the application. Such a visit will be subject to all the other provisions set out in this procedure. Requests to visit adjoining affected properties made on the day of the site visit will be at the discretion of the Chair.

(i) The Chair will conclude the site inspection. No indication of the views of Members or the likely outcome of the Planning Committee deliberations on the application will be given. If Members require further information or clarification of any aspect of the development, the Officer attending will be asked to ensure that such information is available by the time of the subsequent Planning Committee meeting.