

Planning Committee: 22 June 2022
Observations received following the publication of the agenda

Item 04 – W/14/0967 - Land North of Gallows Hill

Item 05 – W/17/2371 - Land off Rugby Road and Coventry Road, Cubbington

Item 06 – W/18/0606 - Land at The Triangle, Lower Heathcote Farm, Harbury Lane, Warwick

Member Questions regarding First Homes (applicable to all)

- 1. As I understand the First Homes scheme the 30% discount to market prices will in all cases be funded by the developer. Is that correct?*

There are two elements to this answer. Firstly, the First Homes being delivered on these sites are funded by Homes England as part of their First Homes Pilot Scheme and this is why they are being delivered 'over and above' the previously agreed affordable housing contributions set out in the various S106 Agreements.

Secondly, and looking towards the future rather than at these particular applications, First Homes will be defined as Affordable Housing under the NPPF and will therefore be able to be negotiated as part of the overall affordable housing contribution agreed within a S106 agreement. Therefore, First Homes delivered in the future would be funded by the developer as part of the overall package of affordable housing agreed for each application.

- 2. At present all these schemes are planned to meet 40% affordable housing and full s106 commitments. If this new First Homes cost to developers proceeds, might they legally seek to reduce the two original commitments through a subsequent viability, variation or similar application because of the extra costs of delivering discounted First Homes?*

These extra First Homes have been secured 'over and above' the previously agreed S106 contributions. Viability should not be an issue as these First Homes are being funded by Homes England as a pilot scheme and should not therefore impact viability.

- 3. If that is a possibility, is there any way of removing this risk for example via a condition?*

The wording of the supplemental S106 Agreements has been worded to mitigate against this risk as clearly setting out that the First Homes being delivered are over and above the previously agreed affordable housing contributions. It is our understanding that this provides security to the affordable housing contributions overall.

Item 07 – W/19/1133 - Land at Ward Hill, Norton Lindsey

Public Response: An additional 45 objection comments received raising the following issues;

- Application has many shortcomings.
- Protected Species are present on the site.
- Little has materially changed since previous refusals.
- Inaccurate vehicle data means site will be difficult to access and service resulting in harm to highway safety.
- Increased traffic will cause harm to highway safety.
- Applicant has neglected the site for many years.
- Harmful impact on the landscape and would damage the beauty of the village.
- Significant odour emissions from site affecting air quality.
- Increased harm from dust emissions.
- Whilst the reports may state that odour and bioaerosol risk is low, there remains a risk which should not be located close to residential properties.
- Multiple buildings within 150m of site and numerous authorities have stated that development should not be within this distance.
- Accommodation building not justified in the Green Belt.
- Design of buildings do not fit with surrounding area.
- Poultry farming despite most recent odour controls would create significant risks of unacceptable odour impacts resulting in harm to properties within the vicinity of the site.
- Animal welfare is a serious issue and this is not an acceptable way to keep hens.
- Will increase vermin.
- Site is no longer appropriate for poultry housing.
- No benefit to local community.
- Housing on the site would be more appropriate.
- Operator has been fined twice for breaches regarding hygiene and food safety.
- Directives and laws have tightened not eased, with a growing emphasis placed on the considerable risk of intensive farming of this kind to public health – mentally and physically.
- The risk of zoonotic diseases and the increasing body of research about how ammonia pollution is able to rise and spread at great distances; ditto, bioaerosols; dust particulates and the radial spread of all of these and more are highlighted. The government's clean air strategy reiterates that the risk is ever-growing and planners must act on the side of caution.
- Under the Equality Act (2000), public bodies, including planners, must accommodate the mental and physical health disabilities of residents, and their decision making must not place such residents at a 'significant disadvantage' (i.e. compared to someone without a mental or physical health disability). It is inarguable that elderly, vulnerable residents, children and those with health conditions, living in such close proximity to the spread of myriad pollutants as mentioned are placed at a considerable 'disadvantage' if this were to be approved by the committee. I am well-versed in Equality Law but a barrister relative of a local resident tells me there are many causes for concern, in this light, in the council's decision-making, here.

- Much of the “evidence” provided has been repeatedly disproved by several objectors, notably, for example, Mr Jan Matecki’s detailed highlighting of the anomalies including the transport provision: the “lorry” quoted is not the size which will be used for e.g. (all details are on the portal) . Plus, HGVs cannot turn within the site. There will be unnecessary pollution in transporting the birds between remote sites. This is hardly a sustainable economic or environmental model.
- I have also spoken to two IPU experts both of whom have worked on councils’ behalf’s across the UK and both of whom said that the ‘odour management plan’ is not ‘worth the paper it is written on.’ And once it fails it is too late for the health and well being of local residents, some of whose health could be damaged irreversibly. They also said that regardless of measures stated, ‘you will definitely notice it is (odour/pollutants/etc) there; it is unavoidable.’
- For the sake of public health; the environment, local habitat roads, protected hedgerows, and wildlife; and on the grounds that in no way is it sustainable – economically (as Cllr Matecki has shown in detail); for wildlife or the environment; or in farming, given the movement away from this calamitously risky method of farming, not least when it is adjacent to so many residents’ homes.
- I also know that government directives are changing again to encompass the voices of local residents, and while I know you have to be and will of course guided by your best instincts and take your public roles seriously, I would urge you not to approve this application.

Letter of Objection from PETA (People for the Ethical Treatment of Animals)

We object to this proposal for the following reasons:

- Operations on the farm – including the chickens’ waste and dust from the sheds would produce strong odours and air pollution, which would disturb the local residents of Norton Lindsey, who are within a few hundred metres of the farm, and would have a negative impact on their quality of life. As described in the comments on the planning proposal, when the farm was previously in operation as a broiler unit, residents had to keep their windows and doors closed to avoid the smell and dust from the farm 24/7 and suffered from an increase in flies and rats in the area.
- Ammonia from the chickens’ waste is emitted from the farm into the surrounding area, likely having a negative impact on air quality and potentially having a detrimental effect on human health, wildlife, and the environment.
- The farm would produce large amounts of poultry litter and wastewater. There could be a risk that this would leak or spill and contaminate the surrounding area when exported off site.
- Chickens transported to and from the farm and their care will produce much more traffic in the adjacent village, causing increased pollution and disturbance to residents.
- The proposed farm will be operational 24/7 and could have a negative impact on surrounding wildlife because of the air and water pollution, noise, and light pollution it would potentially cause.
- The farm would cause immense suffering to the chickens confined there in intensive conditions. Chickens are intelligent and social animals who can

feel pain and distress. Over 20,000 birds at a time would be crammed into the two proposed buildings, which would measure only 60 by 12 metres. That is around 14 birds per square metre, giving the chickens less space than the RSPCA specifies is adequate. There is no mention of increasing the space per bird as they grow, which could lead to cases of injurious feather pecking and potential cannibalism caused by the stress of living in such an unnatural environment and being prevented from performing natural behaviour. These animals would be denied the chance to do anything that comes naturally to them, such as roaming, pecking for food, scratching, and building nests. They will never go outside. When they leave the proposed unit, they will be sent to an egg farm where they will be sentenced to a hellish life, forced to lay until their bodies can no longer produce eggs. At that point, they will be sent to the abattoir, where they face a throat-cutting machine before being plunged into scalding-hot water.

- Finally, taking into account the negative impact the coronavirus pandemic has had on our society, it is imperative that farms such as this one no longer be built in the UK. These farms are hotspots for zoonotic diseases – the H5N1 strain of bird flu originated in farmed geese before infecting chickens raised for meat and eggs. Some strains of bird flu can be transmitted from birds to humans, and the most deadly of these, H5N1 and H7N9, have killed hundreds of people around the globe. The proposed facility could be a breeding ground for bird flu and pose an immense risk to public health. Right now, as the UK has been battling yet another bird flu outbreak, the last thing the country needs is another chicken farm.

We hope you will take our objections into account, along with comments made by local residents, when coming to a decision on this application. We urge you to reject the proposal, as Warwick District Council has done twice before for applications and associated appeals for similar farms on this site.

Item 8 – The Punch Bowl, 1 The Butts, Warwick, CV34 4SS (W/22/0409/LB)

An objection has been received in relation to the respective timings of the determinations of the listed building consent and planning applications.

"When this application was submitted it was accompanied by an application for change of use for the business at the same address (planning application W/21/0408). Over 190 objections were registered for the change of use but the majority of those objecting did not envisage that demolition could occur before the change of use had been decided. If they had, communication via social media would have encouraged them to object to the partial demolition application because partial demolition would severely prejudice the view of those who had expressed an interest in purchasing the business."

The objecting neighbour also adds that an application has been submitted by an un-incorporated group (Committee of 26) for The Punch Bowl to be granted Asset of Community Value status. The neighbour wishes the Planning Committee to be aware of this. They would also like it noted that the *'outcome of the partial demolition application will have a profound effect on the change of use application (attracted over 190 objections)'*, and thus *'the committee would be directed to*

postpone any consideration of partial demolition until the change of use application has been considered'.

The change of use application has been determined by Officers under delegated powers. Planning permission has been refused on several grounds: highway safety, poor living conditions for future occupiers and due to it not being demonstrated that the loss of the visitor accommodation would not adversely impact on the sustainability and vibrancy of the town centre (conflict with Local Plan Policy CT3).

The proposed partial demolition of the listed building does not require planning permission and instead this is to be determined under the listed building consent application. The application is recommended for approval on the grounds that the proposed demolition works and alterations to the listed building are not detrimental to its character and significance, nor the conservation area. Given that the planning permission has been refused, it is felt that the concerns raised by this neighbour have been addressed in part.

Cllr Skinner has provided a further objection to the scheme which comprised statements from various musicians known locally and nationally. It is emphasised in all the statements that the Punch Bowl is a well-known and important venue in Warwick for live music which should be retained. It is considered that Warwick has little alternative offer of anything similar to The Punch Bowl.

In response to this, Officers would stress that it is only the impact of the proposed alterations to the listed building, and not the acceptability of the change of use in principle, which is material to the assessment of this listed building consent application. The works are considered policy compliant due to their impact on the character and significance of the building. The demolition works and internal alterations proposed do not facilitate a change in the lawful use of the building, which is what is suggested here in the objection.

An objection is made on the grounds that the full planning application should have been refused on the basis of non-compliance with Policy HS8 of the Local Plan (Protecting Community Facilities).

This is not considered material to the assessment of this application.

An objection has been submitted on the grounds that the retention of the extensions to the listed building is vital to the future business. The extension was deemed acceptable in the past and in character with the building and therefore its removal should be not supported.

Whether the property is able to function as a public house following the demolition of the extensions is not material to the assessment of this listed building consent.

Samples materials condition:

Given the demolition of existing structures and the need to erect new walls etc, it is recommended that Committee impose a condition requesting the submission of sample materials for any new brickwork:

No development shall be carried out above slab level unless and until samples of the external facing materials (brickwork) 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 a high standard of design and appearance for this Listed Building and the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.