The Regulatory Committee will meet at the SHIRE HALL, WARWICK on TUESDAY the 23rd FEBRUARY 2010 at 10 a.m.

Members please note that there will be a pre-meeting training session at 9.30 a.m. on the 23rd February 2010.

IF MEMBERS WANT ADDITIONAL INFORMATION ON ANY ITEM PLEASE ASK THE CASE OFFICER AS SOON AS POSSIBLE BEFORE THE MEETING.

The agenda will be:-

1. General

   (1) Apologies.
   (2) Members Disclosures of Personal and Prejudicial Interests.

   Note: Members are reminded that they should declare the existence and nature of their interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a prejudicial interest the Member must withdraw from the room.

   Membership of a district or borough council is classed as a personal interest under the Code of Conduct. A member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If a Member does not wish to speak on a matter, the Member may still vote on the matter without making a declaration.

   (3) Minutes of the public meeting held on the 19th January 2010 (copy attached) and Matters Arising.
2. **Applications for Determination**

Reports of the Strategic Director for Environment and Economy.

(1) **Webb Ellis Business Park, Unit 21, Woodside Park, Rugby - Change of Use of Building to Include Storage and Transfer of Healthcare Waste**

The application seeks consent for the change of use of the building to include storage and transfer of Healthcare Waste.

**Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the Change of Use of building to include storage and transfer of Healthcare Waste at Webb Ellis Business Park, Unit 21, Woodside Park, Rugby, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(2) **Change of use from storage to waste transfer station, Unit 3, Featherbed Lane, Pathlow, Stratford-upon-Avon**

The application seeks consent for the change of use from storage to waste transfer station, Unit 3, Featherbed Lane, Pathlow, Stratford-upon-Avon.

**Recommendation**

That the Regulatory Committee authorises the refusal of planning permission for the change of use from B1 Business Use to Waste Transfer Station for Construction and Demolition Waste and mixed skip waste at Unit 3, Featherbed Lane, Pathlow.

(3) **A429 Coventry Road, Kenilworth - Construction of a Pedestrian Footbridge/Cycleway**

This application is for the construction of a pedestrian footbridge over the A429 (Coventry Road) in Kenilworth which incorporates a pedestrian footpath and cycleway.

**Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the construction of a pedestrian footbridge over the A429 Coventry Road, Crackley, Kenilworth subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(4) **Redevelopment of Poplars Farm, Wood End, Hurley**

This application seeks consent to extend the existing cattle buildings, to remove existing redundant buildings, to construct a new slurry pit and silage clamp, to construct a new hard standing and to resurface the existing access track at Poplars Farm, Tamworth Road, Wood End, Hurley.
Recommendation
That the Regulatory Committee authorises the grant of planning permission for the redevelopment of Poplars Farm, Tamworth Road, Wood End, Hurley, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(5) Hopkins Farm, Lower Tysoe - The Construction of a Barn/Stock Building
This application seeks consent for the construction of a barn/stock building for the purposes of housing cattle at Hopkins Farm, Lower Tysoe.

Recommendation
That the Regulatory Committee authorises the grant of planning permission for the construction of a barn/stock building for the purposes of housing cattle at Hopkins Farm, Lower Tysoe Road, Lower Tysoe, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(6) Etone Community School and Technology College, Leicester Road, Nuneaton - Variation of Condition 5 of Planning Permission N5/09CC018 to Extend the Timescale for Submission of a Landscaping Scheme
The application proposes the Variation of Condition 5 of planning permission N5/09CC018 to extend the timescale for submission of a landscaping scheme at Etone Community School and Technology College, Leicester Road, Nuneaton.

Recommendation
That the Regulatory Committee authorises the grant of planning permission for the Variation of condition 5 of planning permission N5/09CC018 to extend the timescale for submission of a landscaping scheme at Etone Community School and Technology College, Leicester Road, Nuneaton, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

3. Any Other Items
which the Chair decides are urgent.

4. Item Containing Exempt Information
To consider passing the following resolution:

‘That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraphs 5 and 6 of Schedule 12A of the Local Government Act 1972’
(NB. Copies of extracts describing exempt information are available in Warwickshire Libraries, the County Council Handbook and the Access to Information Register held in my office).

5. Exempt extract from the Board's Minutes of the meeting held on the 19th January 2010

JIM GRAHAM
Chief Executive

Committee Membership
Councillor Peter Barnes, Ron Cockings, Jose Compton, Eithne Goode, Robin Hazelton, Clare Hopkinson, Joan Lea, Barry Longden, Mike Perry, Carolyn Robbins, Ray Sweet and Chris Williams.

The reports referred to are available in large print if requested

General Enquiries: Please contact Phil Maull, Customers, Workforce and Governance Directorate on 01926 412834 or e-mail philmaull@warwickshire.gov.uk
Enquiries about specific reports: Please contact the officers named in the reports
The REGULATORY COMMITTEE met at WARWICK on the 19th JANUARY, 2010

Present:-

Councillors  Joan Lea (Chair)
                Robin Hazelton (Vice Chair)
                Peter Barnes
                Jose Compton
                Carol Fox
                Eithne Goode
                Clare Hopkinson
                Barry Longden
                Mike Perry
                Ray Sweet
                Chris Williams

Also present:-

Councillor  Martyn Ashford

Officers

Ian Marriott, Community & Environment Legal Services Manager, Customers, Workforce and Governance Directorate
Mike Duffet, Enforcement & Monitoring Officer, Environment & Economy Directorate
Peter Endall, Senior Solicitor, Customers, Workforce and Governance Directorate
Jasbir Kaur, Development Manager, Environment & Economy Directorate
Phil Maull, Senior Committee Administrator, Customers, Workforce and Governance Directorate
Andy Smith, European Officer, Environment & Economy Directorate
Matthew Williams, Planning Officer, Environment & Economy Directorate

Member of the Public

Mrs. L. Pallikaropoulos.

1. General

(1) Apologies

Nil.

(2) Members Disclosure of Personal and Prejudicial Interests

The following Members disclosed personal interests, as indicated:-
2. Southam Cement Works – Climafuel Manufacturing Facility – Reasons for Refusal

The report of the Strategic Director for Environment and Economy was considered.

In introducing the report Jasbir Kaur reminded members that at their meeting of the 17th November, 2009, they had resolved to refuse the planning permission and had provided officers with reasons for their decision. The report in front of them had interpreted their reasons into formal planning and legal wording. They were therefore asked to ratify the content of Appendix A, which set out the main reasons for refusal and Appendix B, which set out the main reasons and considerations for their decision, which was made in accordance with the Environment Impact Assessment Regulations – EIA (1999)

Councillor Jose Compton, seconded by Councillor Peter Barnes, moved and it was then Resolved, nine Members having voted in favour and two abstained (Councillors Robin Hazelton and Barry Longden):-
That the Regulatory Committee approves the Reasons for Refusal in Appendix A and the statement of Main Considerations and Reasons in Appendix B of the report of the Strategic Director for Environment and Economy.

3. Appointing a WCC representative on the Central Warwickshire Villages LEADER Local Action Group

The report of the Strategic Director for Environment and Economy was considered.

Andy Smith explained the purpose of the Central Warwickshire Villages LEADER Local Action Group and the commitment that would be expected of the representative.

The Chair asked for short annual reports to be submitted to the Committee.

Councillor Jose Compton, seconded by the Chair, moved and it was then Resolved unanimously:-

That the Regulatory Committee appoint Councillor Robin Hazelton as the County Council’s representative on the Central Warwickshire Villages LEADER Local Action Group.

4. Any Other Items

Nil.

5. Items Containing Exempt Information

Resolved:-

That members of the public be excluded from the meeting for the item mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraphs 5 and 6 of Schedule 12A of the Local Government Act 1972.

Councillors Peter Barnes, Robin Hazelton and Chris Williams left the room in accordance with their earlier declarations of interests.

SEE SUMMARY ATTACHED

.................................
      Chair of Committee

The Committee rose at 11.35 a.m.
Summary of items considered in the absence of the public

6. Pure Recycling Limited, Longstaples, Warwick Road, Ettington

The Committee agreed action to be taken over the question of enforcement in connection with this site and authorised the Chief Executive to issue planning permission for tipping and restoration operations.

JIM GRAHAM
Chief Executive
**AGENDA MANAGEMENT SHEET**

**Name of Committee**  
Regulatory Committee

**Date of Committee**  
23 February 2010

**Report Title**  
Webb Ellis Business Park, Unit 21, Woodside Park, Rugby - Change of Use of Building to Include Storage and Transfer of Healthcare Waste

**Summary**  
The application seeks consent for the change of use of the building to include storage and transfer of Healthcare Waste.

**For further information please contact**  
Sue Broomhead  
Senior Planning Officer  
Tel. 01926 412934  
Suebroomhead@warwickshire.gov.uk

**Would the recommended decision be contrary to the Budget and Policy Framework?**  
Yes/No

**Background Papers**  
Planning application received 9 December 2009.  
Email from Warwickshire Police dated 17 December 2009.  

**CONSULTATION ALREADY UNDERTAKEN:-**  
*Details to be specified*

**Other Committees**  
[ ] ..............................................................

**Local Member(s)**  
(With brief comments, if appropriate)  
[ ] Councillor C Robbins – No comments received as at 9/2/2010.  
Councillor H Watson – No comments received as at 9/2/2010.

**Other Elected Members**  
[ ] ..............................................................
Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

Chief Executive

Legal ☒ I Marriott – agreed.

Finance

Other Chief Officers

District Councils ☒ Rugby Borough Council – No objection.

Health Authority

Police ☒ No objection.

Other Bodies/Individuals

FINAL DECISION YES/NO (If ‘No’ complete Suggested Next Steps)

SUGGESTED NEXT STEPS :

Further consideration by this Committee

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation
Regulatory Committee – 23 February 2010

Webb Ellis Business Park, Unit 21, Woodside Park, Rugby - Change of Use of Building to Include Storage and Transfer of Healthcare Waste

Report of the Strategic Director for Environment and Economy

**Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the Change of Use of building to include storage and transfer of Healthcare Waste at Webb Ellis Business Park, Unit 21, Woodside Park, Rugby, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

Application No : R645/09CM026

Received by County : 9/12/2009

Applicant(s) : Mr Simon Hewson, 20 Webb Ellis Business Park, Rugby, CV21 2NP.

Agent: Mrs Gill Pawson, GP Planning, The Stables, Long Lane, East Haddon, Northamptonshire, NN6 8DU.

The Proposal : Change of Use of building to include storage and transfer of Healthcare Waste.

Site & Location : Webb Ellis Business Park, Unit 21, Woodside Park, Rugby. [Grid ref: 410.252].

See plan in Appendix A

1. Application Details

1.1 The application seeks consent for the change of use to include the storage and transfer of healthcare waste.
1.2 The proposal is to locate three 1000 litre Eurobins inside the building to be used for the storage of healthcare waste collected from the company’s customers. Elite Healthcare currently operates from units 20 and 21 Woodside Park supplying commercial clients with washroom equipment, consumables and servicing with waste generally comprising of sanitary waste including nappies and tissues (non hazardous) and occasionally sharps or medical units (hazardous). In order to provide a more efficient service the applicant brings back healthcare waste in its own vans to the premises for bulking up pending collection by a specialist collection company. The applicant historically has dealt with approximately 1 tonne of healthcare waste per annum however, by the end of this year the throughput is anticipated to have reached 30 tonnes per annum and could increase to a maximum of 50.5 tonnes (50 tonnes per annum non-hazardous waste and 0.5 tonnes per annum of hazardous waste), which will require a permit by the Environment Agency and planning permission for a change of use to allow the waste to be accepted at the site.

1.3 The waste is proposed to be stored within the Eurobins inside the building and would be sited on a concreted impervious surface within a bunded surface to ensure that in the unlikely event of any leak from the bins the liquid would not escape the area. The waste collected would be largely dry and bagged by the customers prior to collection and transportation to the site. No amendments to the external appearance of the building is required.

2. Consultations

2.1 Rugby Borough Council - No objection.

2.2 Councillor C Robbins – No comments received as at 9/2/2010.

2.3 Councillor H Watson – No comments received as at 9/2/2010.

2.4 Police Architectural Liaison – No objection.

3. Representations

3.1 No representations have been received in connection with the proposed development.

4. Observations

4.1 The proposed development is located within an existing industrial unit on the Webb Ellis Business Park, Rugby. The building is a purpose built industrial unit capable of accommodating the proposed development. The building does not require any external alterations and has an acceptable level of parking areas for loading and unloading.

4.2 All storage is proposed within the building and would not exceed more than one tonne of waste at any time. The waste is proposed to be transported to the site by Elite Healthcare and collected for final disposal by a specialist collection company.
4.3 The proposal is appropriate to be located on an industrial estate, and would not have a detrimental impact on the area as a whole. It is considered that planning conditions should be placed on any planning permission to ensure that waste is not stored outside of the building, or outside of the bins within the building.

5. Planning Policies

5.1 It is considered that the proposed development accords with Policy 1 (General Land Use) of The Waste Local Plan for Warwickshire Adopted August 1999.

6. Conclusions

6.1 The proposed development is in accordance with development plan policies and would not have an unacceptable adverse impact on the amenity of the locality as a whole. The development is not proposed to have an adverse impact on the highway network and is appropriate in its location.

7. Environmental Implications

7.1 There would be no significant adverse environmental considerations associated with the proposed development.

PAUL GALLAND
Strategic Director for Environment and Economy
Shire Hall
Warwick

15 February 2010
## Regulatory Committee: Regulatory Committee 23rd February 2010

### Webb Ellis Business Park, Unit 21 - Storage & Transfer of Healthcare Waste

- **Application Area** located within the map's marked area.

### Diagram Details:
- **Scale:** 1:1250
- **Ref No:** R645/09CM026
- **Drawn By:** Jan Stevens

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**Warwickshire Online Mapping Browser and Toolkit (WOMBAT) Corporate GIS.**
Appendix B of Agenda No

Regulatory Committee – 23 February 2010

Webb Ellis Business Park, Unit 21, Woodside Park, Rugby - Change of Use of Building to Include Storage and Transfer of Healthcare Waste

Application No: R645/09CM026

Conditions:

Commencement Date

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

General Operations

2. The development hereby permitted shall be carried out in accordance with planning application Reference No. R645/09CM026 in accordance with approved plans reference No.(s) GPP/EH/R/09/01, GPP/EH/R/09/02 and GPP/EH/R/09/03 or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

   Reason: In order to define the exact details of the planning permission granted and to secure satisfactory standard of development in the locality.

3. All healthcare waste must be stored within the building in the skips.

   Reason: To reduce the risk of fire and pollution.

4. Except as may otherwise be agreed in writing by the County Planning Authority, no operations or uses authorised by this permission (including the maintenance of vehicles and plant) shall be carried out other than during the following times:

   - 06:00 – 18:00 hours Monday to Friday
   - 06:00 – 13:00 hours Saturdays.

   No operations or uses shall take place on Sundays and Bank/Public Holidays.

   Reason: In the interests of the amenity.
Development Plan Policy Relevant to this Decision:

The Waste Local Plan for Warwickshire:

(i) Policy 1: General Land Use

Reasons for the Decision to Grant Permission

The proposed development is in accordance with development plan policies and would not have an unacceptable adverse impact on the amenity of the locality as a whole. The development is not proposed to have an adverse impact on the highway network and is appropriate in its location.

Note: The policies, proposals and reasons given above are only summaries of the considerations set out more fully in the application report and minutes of the Regulatory Committee.
Name of Committee: Regulatory Committee

Date of Committee: 23 February 2010

Report Title: Unit 3, Featherbed Lane, Pathlow, Stratford-upon-Avon - Change of Use from B1 Business Use Class to Waste Transfer Station

Summary: This application seeks planning permission for the change of use of part of the existing building from an existing B1 ‘Business’ use class (currently used for storage) to a Waste Transfer Station for Construction and Demolition Waste and mixed skip waste.

For further information please contact: Neal Richmond
Senior Planning Officer
Tel. 01926 412247
nealrichmond@warwickshire.gov.uk

Would the recommended decision be contrary to the Budget and Policy Framework? No

Background Papers:
Email from Stratford on Avon District Council Environmental Health dated 15 December 2009.
Email from Wilmcote Parish Council dated 30 December 2010.

CONSULTATION ALREADY UNDERTAKEN:-

Local Member(s):
Councillor R Hobbs – strongly objects to the proposed development as it would be unacceptable near to residential properties, and raises concern that a condition requiring working with the doors closed can be enforced.

Other Elected Members
Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

Chief Executive

Legal
X I Marriott – comments incorporated.

Finance

Other Chief Officers

District Councils
X Stratford on Avon District Council Planning – comments will be reported verbally. Stratford on Avon District Council Environmental Health – no objection in principle subject to conditions.

Health Authority

Police

Other Bodies/Individuals
X Environment Agency – no objection subject to conditions requiring a scheme to dispose of surface water and contaminated run off. Wilmcote Parish Council – objects to proposal and does not feel that the proposed use is appropriate for the site and is concerned about the control of waste brought to the site.

FINAL DECISION
YES (If ‘No’ complete Suggested Next Steps)

SUGGESTED NEXT STEPS:

Details to be specified

Further consideration by this Committee

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation
Recommendation

That the Regulatory Committee authorises the refusal of planning permission for the Change of use from B1 Business Use to Waste Transfer Station for Construction and Demolition Waste and mixed skip waste at Unit 3, Featherbed Lane, Pathlow for the following reasons.

1. The proposed development does not meet the criteria in paragraph 3.8 of PPG2 for the re-use of buildings because it would have a materially greater impact on the openness of the Green Belt and the purposes of including land in it through the presence, storage and activity of vehicles which is not in keeping with its rural surroundings. Therefore, it is inappropriate development in the Green Belt.

2. The harm caused by inappropriateness is compounded by the impact on the amenity of the countryside and its residents of heavy goods vehicles travelling on rural roads passing through small rural settlements. This harm conflicts with the criteria in paragraph 29 and Annex E to PPS10 and Policy 1 of the Waste Local Plan.

3. The proposed development would make a contribution to the rural economy however has no direct relationship with the adjacent uses. The proposal can not be regarded as an appropriate re-use of the building and does not comply with the guidance within PPS7.

4. The proposed development would make a contribution to moving waste up the waste hierarchy. However, it is located in a building in a sensitive rural location, accessed along a residential road and located adjacent residential properties which it is not compatible with. For these reasons, it fails to meet the criteria for the location of such development in Policy WD3 of the Regional Spatial Strategy for the West Midlands and Policy W5 of its Phase 2 Revision, Policy PR.2 of the Stratford on Avon District Local Plan 2006, Policies 1 and 6 of the Waste Local Plan and PPS 10. There is no evidence that the need for such facilities cannot be met in more sustainable location outside of the Green Belt.
5. The benefits of the development do not constitute very special circumstances outweighing the harm to the Green Belt and the other harm to amenity, the countryside and policies for the sustainable development of waste facilities. Therefore, the proposal is contrary to Policy PR.2 of the Stratford on Avon District Local Plan paragraph 3.2 of PPG2, the harm that would be caused cannot be avoided or satisfactorily mitigated through conditions or obligations and there are no other material considerations indicating that it should be permitted.

Application No : S1113/09CM025
Received by County : 9/12/2009
Advertised Date : 17/12/2009
Applicant(s) : Mr Edward Brain, Edward Brain & Sons Ltd, Lordswood, Pathlow, Warwickshire, CV37 0EP.
Agent(s) : Stansgate Planning LLP, Conrad House, Birmingham Road, Stratford-upon-Avon, Warwickshire, CV37 0AA.
The Proposal : Change of use from B1 Business use to Waste Transfer Station for Construction and Demolition Waste and mixed skip waste.
Site & Location : 0.015 Ha. At Unit 3, Land south of Featherbed Lane, Pathlow, Stratford-upon-Avon. [Grid ref: 417,258].

See plan in Appendix A.

1. Application Details

1.1 This application seeks consent for a change of use of Unit 3, Featherbed Lane from its authorised use as B1 (Business), (currently used as storage used by Ragdoll Ltd.) to a Waste Transfer Station for construction and demolition waste and mixed skip waste. The unit is proposed to be used in association with the recycling of inert demolition and construction waste which may otherwise be sent to landfill.

1.2 It is proposed that a loaded skip lorry would enter the building and discharge its waste onto the floor in the centre of the building. The waste would then be sorted and separated by hand into skips of varying waste streams. The sorted waste is proposed to remain on site until skips are full for transportation off site for recycling or final disposal. All empty skips are proposed to be stored within the building when not in use. The applicant has advised that the following waste streams would be recovered from the operation:
1.3 No waste or skips are proposed to be stored or sorted outside of the building and all operations would be carried out within the building. It is proposed that the site would operate Monday to Friday 8.30am to 4.30pm and Saturday 8.30am to 12.00pm with no working on a Sunday or Bank/Public Holidays.

1.4 Skip lorries loaded with waste would enter the site from Featherbed Lane down the existing private drive. It is anticipated that maximum movements of the lorry would be 5 in and 5 out per day (a total of 10 movements per day).

1.5 The applicant advises that the majority of waste dealt with at the proposed site will originate from the south Warwickshire area.

2. Consultation

2.1 Stratford on Avon District Council (Planning) – comments to be verbally reported to Regulatory Committee.

2.2 Stratford on Avon District Council (Environmental Health) - no objection in principle, however, would wish to see conditions requiring that all doors to the building are to be kept closed when material is deposited in building and external storage forbidden.

2.3 Wilmcote Parish Council - does not feel that the proposed industrial use of the building is appropriate for this site and has the following concerns:-

(i) How will it be ensured that the skips do not contain hazardous waste e.g. asbestos, chemicals and carcinogenic materials? How is it proposed to prevent any contaminated liquids that may be discharged from the operation causing pollution?

(ii) The business also supplies skips to private properties – what measures would be taken to ensure these skips would not be taken to this site as there would be no control whatsoever over the contents;

(iii) What proposals are in place covering health and safety, environmental issues and other legislation covering waste management;

(iv) Strict conditions regarding permitted noise levels, vehicle movements, no storage outside the building etc would presumable continue but how would they be controlled.
(v) In view of the concerns the Parish Council recommends refusal of this application.

2.4 **Councillor R Hobbs** – strongly objects to the change of use and has concerns that the development would result in an unacceptable expansion of the use of the site within the Green Belt.

“I do not see how a condition of only working in the building when the doors are closed can be enforced; I assume that this is a B2 use and this type of waste can not be controlled under its current consent; and This use would be unacceptable near the residential properties.”

2.5 **Environment Agency** – no objection subject to a planning condition requiring a scheme for the disposal of surface water and potentially contaminated run off to be submitted prior to the commencement of development.

3. **Representations**

3.1 The application was advertised by the posting of 2 site notices, a press notice and the direct notification of nine properties. There have been seven letters of representation, and a nine signature ‘petition style’ letter received in connection with the proposed development, all of which object to the proposed development. The objectors raise the following concerns:-

(i) Increased Noise.

(ii) Increased Pollution.

(iii) Erosion of Countryside and impact on Green Belt.

(iv) Increased HGV movements and safety hazard.

(v) Visual intrusion (Including waste lorry movements).

(vi) Existing conditions not being monitored.

(vii) Proposal would intensify the industrial nature of the site.

(viii) Proposal does not accord with waste local plan policies.

4. **Site, Location and History**

4.1 The building is an isolated commercial property within a residential area on the southern side of Featherbed Lane, 300m to the west of the Birmingham Road in the village of Pathlow and is accessed via a private drive off Featherbed Lane.

4.2 Pathlow is a rural residential area located within the West Midlands Green Belt with residential properties located as close as 11 metres to the north of the entrance to the proposed site, and approximately 65 metres from the part of the building (unit 3) the subject of this application.
4.3 The building was built for, and is currently occupied by commercial uses. It has in recent years been subdivided into four units, and is currently used by two separate businesses. Three of the units are used by Ragdoll Ltd for a mixture of storage and workshops, with the fourth unit occupied by a window manufacturing business. The unit proposed for the change of use to Waste Transfer Station is currently used by Ragdoll Ltd for storage purposes.

4.4 The site has a varied planning history, which to date has been dealt with by Stratford on Avon District Council. The following shows the applications received for the site by the District Planning Authority. The current change of use application, is to date the first and only application submitted to the Waste Planning Authority.

<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Proposal</th>
<th>Decision and date</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/03513/FUL</td>
<td>Change of use to soft play centre</td>
<td>Refused 05.03.03</td>
</tr>
<tr>
<td>00/02596/FUL</td>
<td>Change of use and refurbishment to accommodate the sale, storage and servicing of agricultural and grounds maintenance machinery and for use as light industrial and office use (Class B1)</td>
<td>Granted 22.11.00</td>
</tr>
<tr>
<td>99/03531/FUL</td>
<td>Class B1 use</td>
<td>Granted 9.2.00</td>
</tr>
<tr>
<td>98/01761/FUL</td>
<td>Variation of Condition 4 attached to 97/01466/FUL (Personal permission)</td>
<td>Granted 11.2.99</td>
</tr>
<tr>
<td>97/01466/FUL</td>
<td>Change of use and refurbishment of dairy unit to accommodate the sale, storage and servicing of agricultural and grounds maintenance machinery</td>
<td>Granted 12.2.98</td>
</tr>
<tr>
<td>94/00345/FUL</td>
<td>Conversion to craft units B1</td>
<td>Granted 22.2.95</td>
</tr>
</tbody>
</table>

4.5 There is some question as to whether the current stated use of the building (storage B8) is in fact an authorised planning use (in its current guise). This is because the extant planning permission for the site (00/02596/FUL dated 22/11/00) prohibits the change of use to B2, B8 and A1 of Town and Country Planning (Use Classes) Order 1987 and the other aspects of the permission (which included A1 retail, and storage of agricultural and grounds maintenance machinery were in fact personal to the then applicant (Western Farm Implements)).

4.6 The question of whether storage (in its current guise) is an authorised use is a District Council planning matter, and should not influence the decision as to whether the proposed Waste Transfer Station is acceptable. However, the restrictions which have previously been imposed limiting the use class to which
the building can be employed do serve to highlight the sensitivity of this commercial building in its existing location.

5. Planning Policy

5.1 Section 38 (6) of the 2004 Planning and Compensation Act requires that planning applications are determined in accordance with the provisions of the Development Plan “unless material considerations indicate otherwise”.

5.2 The Development Plan against which this application must be judged consists of the following documents:

(i) The Regional Spatial Strategy for the West Midlands (RSS11),
(ii) The Regional Spatial Strategy for the West Midlands Phase Two Revision Draft,
(iii) The saved policies of the Warwickshire Structure Plan 1996 – 2011,
(iv) The saved policies of the Waste Local Plan for Warwickshire, and,

Regional Spatial Strategy for the West Midlands (RSS11)

5.3 The Regional Spatial Strategy (RSS) makes it clear that the Region must play its part in delivering targets set out in the National Waste Strategy. Policy WD1 sets out targets for waste management in the Region. This includes, to recover value from at least 40% of municipal waste by 2005, 45% by 2010 and 67% by 2015, to recycle or compost at least 25% of household waste by 2005, 30% by 2010 and 33% by 2015 and to reduce the proportion of industrial and commercial waste which is disposed of to landfill.

5.4 Policy WD2 acknowledges that further facilities will be required to handle Municipal Waste by means of composting, recycling and other forms of recovery. The application would comply with this policy.

5.5 Policy WD3 of the RSS advises that development plans should guide waste treatment and recycling facilities towards appropriate locations, having regard to the proximity principle and other environmental and amenity principles as identified elsewhere in this guidance.

Regional Spatial Strategy for the West Midlands Phase Two Revision

5.6 Policy W5 of the Regional Spatial Strategy for the West Midlands Phase Two Revision Draft - Location of New Waste Management Facilities directs new waste management facilities towards, amongst other locations, sites with current use rights for waste management purposes, previous or existing industrial land and contaminated or derelict land or redundant agricultural or forestry buildings and their curtilages.
Planning Policy Guidance Note No. 2

5.7 The site is located within the Green Belt and as such Green Belt policies within the local plan and those outlined in Planning Policy Guidance Note 2 (PPG2) apply.

Paragraph 1.5 of PPG2 identifies the five purposes of including land in Green Belts:-

(i) To check the unrestricted sprawl of large built-up areas;
(ii) To prevent neighbouring towns from merging into one another;
(iii) To assist in safeguarding the countryside from encroachment;
(iv) To preserve the setting and special character of historic towns; and
(v) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.8 Paragraph 3.7 of PPG2 states ‘With suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It can help to secure the continuing stewardship of land, especially by assisting farmers in diversifying their enterprises, and may contribute to the objectives for the use of land in Green Belts. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction.

5.9 Paragraph 3.8 notes that the re-use of buildings inside a Green Belt is not inappropriate development providing:-

(i) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
(ii) Strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (eg because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);
(iii) The buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
(iv) The form, bulk and general design of the buildings are in keeping with their surroundings. (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out).

5.10 Paragraph 3.9 states ‘If a proposal for the re-use of a building in the Green Belt does not meet the criteria in paragraph 3.8, or there are other specific and convincing planning reasons for refusal (for example on environmental or traffic
grounds), the local planning authority should not reject the proposal without considering whether, by imposing reasonable conditions, any objections could be overcome. It should not normally be necessary to consider whether the building is no longer needed for its present agricultural or other purposes. Evidence that the building is not redundant in its present use is not by itself sufficient grounds for refusing permission for a proposed new use.

5.11 Paragraph 3.2 identifies that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

Planning Policy Statement 10

5.12 PPS 10, Planning for Sustainable Waste Management adopts the National Waste Strategy of moving waste management up the ‘waste hierarchy’ focusing on reduction, reuse, recycling and composting as preferred waste management options with disposing as the last resort. The Statement makes it clear that this means a step change in the way waste is handled and significant new investment in waste management facilities. It makes it clear that the planning system is pivotal to the adequate and timely provision of the new facilities that will be needed.

5.13 Paragraph 29 of PPS 10 says that in considering planning applications for waste management facilities, planning authorities should consider the likely impact on the local environment and amenity. Annex E sets out more specific locational criteria including; protection of water resources, visual intrusion, traffic and access, air emissions, odours, vermin, noise, litter, potential land use conflict, etc.

5.14 Paragraph 3 (1) a of Schedule 20 of the Environmental Permitting Regulations requires every Authority to have regard to article 4 of the Waste Framework Directive. Article 4 requires planning authorities to have regard to the following objectives when determining planning applications relating to the recovery or disposal of waste:-

Ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without:-

(i) Risk to water, air, soil, plants or animals; or

(ii) Causing nuisance through noise or odours; or

(iii) Adversely affecting the countryside or places of special interest;
Planning Policy Statement 7

5.15 **PPS7** sets out the Government’s policies in the delivery of sustainable development within rural areas. Due to the site’s isolated location paragraphs 14 to 18 regarding the countryside are of particular relevance.

5.16 **Paragraph 14** notes that planning has a major role “in supporting and facilitating development and land uses which enable those who earn a living from, and help to maintain and manage the countryside, to continue to do so.”

5.17 **Paragraph 15** addresses countryside protection and development in the countryside specifically, stating that “planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible enhanced.”

5.18 **Paragraph 16** states when preparing policies for LDDs and determining planning applications for development in the countryside, local planning authorities should:

(i) Support development that deliver diverse and sustainable farming enterprises;

(ii) Support other countryside-based enterprises and activities which contribute to rural economies, and/or promote recreation in and the enjoyment of the countryside.

5.19 **Paragraph 17** supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning authorities should therefore set out in LDDs their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses.

These criteria should take account of:-

(i) the potential impact on the countryside and landscapes and wildlife;
(ii) specific local economic and social needs and opportunities;
(iii) settlement patterns and accessibility to service centres, markets and housing;
(iv) the suitability of different types of buildings, and of different scales, for re-use;
(v) the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.
Waste Local Plan

5.20 **Policy 1 of the Waste Local Plan for Warwickshire** sets out general environmental constraints that all waste related planning applications must comply with. Planning permission will only be given where the proposal would not, amongst other things:-

(i) Give rise to a significant risk of pollution;
(ii) Have significant adverse visual impact;
(iii) Have significant adverse impact on the amenity of local occupiers by reason of odour, noise, dust or visual intrusion having regard to the sensitivity of adjoining land uses and the proximity of residential property;
(iv) Give rise to traffic that would adversely affect highway safety or have a significant adverse environmental impact when traversing the routes which generated traffic is likely to take;
(v) Involve significant loss of or damage to agricultural land within grades 1, 2 or 3a.

The policy states that in evaluating proposals to develop any waste facility the extent to which the proposal makes a positive contribution to re-use and/or recycling of materials and satisfies the proximity principle will be taken into consideration.

5.21 **Policy 6 of the Waste Local Plan for Warwickshire** states that recycling facilities will be permitted: as an integral part of new and established disposal facilities, on industrial estates and on other land which has been used for a commercial use and where the proposed use would be compatible with adjacent land uses. It is not considered that the proposed use is compatible with an adjacent land use (namely a residential use).

Stratford on Avon Local Plan

5.22 **Stratford on Avon District Local Plan Review 1996-2011**

PR. 2 Green Belt
PR. 8 Pollution Control
DEV. 4 Access

6. **Observations**

**Green Belt**

6.1 The site is located within the Green Belt and as such Green Belt policies within the local plan and those outlined in Planning Policy Guidance Note 2 (PPG2) apply. In this particular case the proposed development is inappropriate, as defined in PPG2, and as such should not be approved unless very special circumstances exit.

6.2 This proposal is considered to be inappropriate when assessed against the criteria in paragraph 3.8 of PPG2 because:
(i) it will have a materially greater impact on the openness of the Green Belt and the purposes of including land in it because of the increased presence, and movement of conspicuous vehicles associated with the transportation of waste.

6.3 The proposal would be an industrial operation on a greater scale and use than the existing use and this would be manifested in the external appearance of the surroundings with associated vehicles and paraphernalia. It is accepted that the facility would contribute to national and local objectives to increase recycling, however these factors are not considered to be sufficient to outweigh the harm to the Green Belt and the other harm to the locality and local residents identified later in this report.

Re-use of Building

6.4 PPS7 supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives whilst ensuring that the quality and character of the wider countryside is protected and, where possible enhanced. Whilst it is considered that the proposal would re-use an existing building within the Countryside, and would move waste up the waste hierarchy it is not considered that the proposal is suitably located and would not ensure the quality or character of the area is protected. As identified later in the report it is not considered that the proposed use is suitable in the location and would have a detrimental impact on the area as a whole and on local residents and adjacent land uses. The re-use of this building is not considered to comply with guidance within PPS7.

Traffic and Transport

6.5 Concern has been raised by local residents that the proposed change of use would result in prominent Heavy Goods Vehicles (HGVs) accessing and exiting the site and travelling through the nearby village of Pathlow and the safety and pollution implications that this could have to local residents.

6.6 The proposed change of use is located within a rural area, on a de-restricted (60mph) road near to, and opposite residential properties. Concern has been raised that the proposed type of HGV would have a detrimental impact on the amenity of the local resident due to additional noise and pollution from the vehicles delivering and removing waste from the site.

6.7 The access onto Featherbed Lane from the site requires a visibility splay of 2.4m x 160m. This visibility splay is currently not present on site, and in order to be implemented would require the removal of both hedgerow and fencing. The additional land required to achieve the visibility splay is not located within the ownership of the applicant and whilst the applicant has suggested the imposition of a Grampian style planning condition there is no guarantee that the implementation of the visibility splay could be achieved. The removal of the hedgerow would also be deemed to be detrimental to the visual appearance and character of the area and should be avoided.
Development Plan Policies

6.8 Policy 6 contained in the Waste Local Plan for Warwickshire 1999 states that recycling facilities will be permitted: as an integral part of new and established disposal facilities, on industrial estates and on other land which has been used for a commercial use and where the proposed use would be compatible with adjacent land uses. The site of the proposed development is not on an industrial estate, is not part of a new or established disposal facility and although currently being within a commercial use it is not considered to be compatible with the adjacent land uses.

6.9 The whole building is currently restricted by Stratford on Avon District Council and prohibits the change of use from its current use to B2, B8 and A1 of Town and Country Planning (Use Classes) Order 1987 and the other aspects of the permission (which included A1 retail, and storage of agricultural and grounds maintenance machinery were in fact personal to the then applicant (Western Farm Implements). The previous planning permissions highlight the sensitivity of the location and the proposed use is not considered to be appropriate near to the residential properties and within the same building as the existing B1 commercial use.

6.10 It is considered that the site, which is located in the Green Belt and accessed through rural villages, would have a further industrialising urbanising effect on the locality. The proposal is considered to be contrary to the purposes of the Green Belt, would not be in keeping, and would detract from the character of the local area.

6.11 The development is considered to be contrary to guidance within PPS7 and Policies PR. 2 (Green Belt) and PR. 8 (Pollution Control) of the Stratford on Avon Local Plan. The proposal would intensify waste operations at the site to an unacceptable level, and be contrary to Policy 6 of the Waste Local Plan.

Noise

6.12 Noise has been raised as an issue by local residents concerned that the noise from the proposal will affect the amenity of the village and surrounding properties. No information relating to noise has been submitted by the applicant however it is considered that the emptying of skips onto the floor of the building, the manoeuvring of skips around the site, the sorting of material and the loading and unloading of lorries taking the waste from the site could be a noisy operation which could have a detrimental impact on the amenity of the local residents and neighbouring businesses.

6.13 Traffic noise and nuisance in the locality has not be addressed in the application, and is a concern to local residents living in Pathlow. It is considered that HGVs and skip lorries in the rural locality could have a detrimental impact on the amenity of local residents due to the nature of the vehicles, the rural roads they are travelling and loads being transported. Should planning permission be granted a planning condition imposing maximum noise levels at the site should
be included. The two aforementioned circumstance are considered to be inappropriate in the location and contrary to Policy 1 of the Waste Local Plan.

**Odour**

6.14 The applicant has advised of the proposed waste streams which would be recovered during the process. Some of the materials could give rise to odour (e.g. Green Waste) and could have a detrimental impact on the local residents and neighbouring units. The applicant does not advise of any mitigation methods for odour should it arise and has produce an odour management plan for the site. It is considered that odour could become a source of nuisance at the site, and is considered to be contrary to Policy 1 of the Waste Local Plan.

7. **Conclusion**

7.1 The development is inappropriate in the Green Belt and although it would make a contribution to the rural economy moving waste up the hierarchy, it does not meet the criteria of the national and local policies which lend support to proposals offering these benefits. The harm to the Green Belt would be accompanied by other harm, particularly the impact of HGV traffic on rural roads and villages, and its benefits do not constitute very special circumstances outweighing that harm. Therefore, the Committee is advised to refuse permission for the reasons given in the recommendation.

PAUL GALLAND
Strategic Director for Environment and Economy
Shire Hall
Warwick

16 February 2010
Regulatory Committee: 23rd February 2010

Change of Use from B1 to Waste Transfer Station

Produced using Warwickshire Online Mapping Browser and Toolkit (WOMBAT) Corporate GIS.
**AGENDA MANAGEMENT SHEET**

**Name of Committee**  
Regulatory Committee

**Date of Committee**  
23 February 2010

**Report Title**  
A429 Coventry Road, Kenilworth - Construction of a Pedestrian Footbridge/Cycleway

**Summary**  
This application is for the construction of a pedestrian footbridge over the A429 (Coventry Road) in Kenilworth which incorporates a pedestrian footpath and cycleway.

**For further information please contact**  
Mohammed Nasser  
Planner  
Tel. 01926 412193  
mohammednasser@warwickshire.gov.uk

**Would the recommended decision be contrary to the Budget and Policy Framework?**  
No

**Background Papers**  
Planning Application – Received on 12/1/10.  
Network Rail Consultation Response – received on 14/1/2010.  
Local Resident Comments – received on 18/1/2010.  
Local Resident Comments – received on 26/1/2010.  
County Council Landscape Architect Consultation Response – received on 1/2/2010.  
Local Resident Comments – received on 2/2/2010.  
Local Resident Comments – received on 3/2/2010.  
Museum Services (Archaeology) Consultation Response – received on 5/2/2010.  
Local Resident Comments – received on 5/2/2010.

**CONSULTATION ALREADY UNDERTAKEN:**  
*Details to be specified*

| Other Committees | ☐ | ........................................................................................................... |
| Local Member(s) | ☒ | Councillor D Shilton – no comments received as at 9/02/10. |
| Other Elected Members | ☐ | ........................................................................................................... |
Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

Chief Executive

Legal
☑️ I Marriott – comments incorporated.

Finance

Other Chief Officers

District Councils
☑️ Warwick District Council – no comments received.

Health Authority

Police
☑️ Police Architectural Liaison Officer – no comments received.

Other Bodies/Individuals
☑️ Kenilworth Town Council – no comments received.
Museum Services (Ecology) – no comments received.
Museum Services (Archaeology) – no objection.
Network Rail – no objection.

FINAL DECISION
YES

SUGGESTED NEXT STEPS:
Details to be specified

Further consideration by this Committee

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation
Agenda No

Regulatory Committee – 23 February 2010

A429 Coventry Road, Kenilworth - Construction of a Pedestrian Footbridge/Cycleway

Report of the Strategic Director for Environment and Economy

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the construction of a pedestrian footbridge over the A429 Coventry Road, Crackley, Kenilworth subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

Application No : W2038/10CC003

The Proposal : This application is for the construction of a pedestrian footbridge over the A429 (Coventry Road) in Kenilworth which incorporates use for pedestrians cyclists.

The Agent : Carolyn Cox, Warwickshire County Council, Environment and Economy, Barrack Street, Warwick, CV34 4SX.

The Proposer : Warwickshire County Council, Shire Hall, Warwick, CV34 4RR.

Site & Location : Coventry Road (A429), Crackley, Kenilworth.

Grid Reference : 429712, 273523.

See plan in Appendix A

1. Application Details

1.1 Planning permission is sought for the construction of a pedestrian footbridge that would cross the A429 (Coventry Road) at Crackley, Kenilworth. The proposed pedestrian footbridge would form a link between the Berkswell Greenway and Kenilworth Common therefore connecting to approximately 10km of shared footway/cycleway between Kenilworth, Berkswell and Coventry. The proposed footbridge would be located in the same location as a former railway bridge as the greenway footpath follows the route of a disused railway line which was
situated on a raised embankment which crossed over the Coventry Road (A429).

1.2 The footbridge design will be constructed from steel to an approximate span over the A429 of 40m with minimum headroom of 5.7m from the footway at road level to the bridge deck. This will allow the structure to comply with highway design standards and negate the requirement for height clearance markers on the bridge structure itself. The parapets are designed to be 1.4m in height whilst the bridge structure will include reinforced concrete abutments which are to be clad in brickwork suited to the locality.

1.3 The footbridge deck is to be constructed 3m in width to accommodate a shared cycleway and footpath, the surfacing of which is to be of a slip resistant material and is to coordinate with the adjoining fine yellow granite chip macadam shared footpath/cycleway. The footbridge railings are proposed to be constructed to a minimum height of 1.4m so as to accord with relevant safety standards whilst the colour of the footbridge has yet to be determined.

2. Background to the Proposal

2.1 The proposed footbridge over the A429 forms a key element of the overall Connect2 Kenilworth Project that will physically link the town of Kenilworth to Berkswell via the greenway and to the University of Warwick. The scheme will eventually provide over 10kms of high quality, largely traffic free, walking and cycling ways.

2.2 A Connect2 Kenilworth Steering Group was set up to ensure that local stakeholders were engaged from inception of the scheme through to completion, not just of the footbridge but the entire route. This Steering Group is chaired by Councillor J Whitehouse and comprises a variety of interested parties which include, County, District and Town Councillors, representatives from the University of Warwick, Friends of Kenilworth Greenway, Crackley Residents Association, Kenilworth Footpath Preservation Group, Cyclist Touring Club, Coventry Cycling Campaign, Sustrans and others and meets every three months, or more regularly according the overall schemes progress. There is a wider group of interested people and organisations who receive progress updates, Steering Group reports and national and local Connect2 newsletters whilst bi-monthly articles also appear in the local press.

2.3 The overall bridge structure design was chosen by public vote after a three day public exhibition was held in Kenilworth in October 2009. This allowed members of the public to acknowledge their preferred choice from three bridge structure designs and to also select from three colour options. The consultation received 303 completed responses with postcode analysis showing that 93% of respondents were Kenilworth residents. 53% of total respondents to the consultation opted for bridge design A ‘plain bridge’ whilst bridge design B gained 24% and bridge design C achieved 20%. This public consultation exercise resulted in bridge design A being formally chosen and submitted for planning approval.
3. **Consultations**

3.1 **Warwick District Council** – no comments received.

3.2 **Kenilworth Town Council** – no comments received.

3.3 **Councillor D Shilton** – no comments received.

3.4 **Police Architectural Liaison Officer** – no objection.

3.5 **Museum Services (Ecology)** – no comments received.

3.6 **Museum Services (Archaeology)** – no objection.

3.7 **Network Rail** – no objection.

4. **Representations**

4.1 Four letters received from local residents stating their concerns about the proposed footbridge. The main points are summarised below:

(i) The footbridge and therefore the opening up of the greenway would afford views into local residential properties therefore resulting in a loss of privacy and possible security issues.

(ii) The possibility that the footbridge may impact negatively upon existing drainage/flooding issues in the immediate vicinity of the bridge location.

(iii) That local residents would wish to see improved landscaping (vegetation planting) of boundaries between residential dwellings and the footbridge/footpath in order to alleviate security concerns and the potential loss of privacy.

(iv) Concerns that during the construction phase of the footbridge and greenway Redthorne Grove would be obstructed by construction traffic associated with the proposed development.

(v) Concerns over noise nuisance from the footbridge’s slip-resistant surface.

4.2 A petition which contains 13 local residents signatures, objects to the proposed development on the following points:

(i) The footbridge and therefore the opening up of the greenway would afford views into local residential properties therefore resulting in a loss of privacy and possible security issues.

(ii) The possibility that the footbridge may impact negatively upon existing drainage/flooding issues in the immediate vicinity of the bridge location.

4.3 The **Kenilworth Society** has put forward an objection to the proposed development on the following point:-
“We believe that the quality of the design is poor [footbridge] and not suitable for such an important location”. “We asked for a stronger and more original design in keeping with the bridge’s position at a prime entrance to Kenilworth”.

5. Observations

5.1 The proposed footbridge has been proposed to provide a safe crossing point thereby reducing potential safety hazards that might discourage both cyclists and pedestrians from using the route.

5.2 The proposed footbridge is to be constructed from steel and is considered to be a suitable material that is typically found in the streetscape. The proposed footbridge design has been chosen as it performs its function (i.e. a crossing point over the A429) and not as a ‘gateway’ to Kenilworth as some parties may have wanted. It is considered that the footbridge has been designed in a sensitive manner so that the design causes less visual impact when approaching it from either direction along the A429. As such it is considered that the proposed development accords with policy DP1 (Design and Layout) from the Warwick District Local Plan, also in that proposal it does “integrate with existing paths, streets, circulation networks and patterns of activity” and “adopts appropriate materials and details”. Also, as has previously been discussed, the proposed footbridge design was chosen after public consultation, which indicated that this was the preferred bridge design.

5.3 The proposed footbridge railings are designed to be at a minimum height of 1.4m which is an industry standard for footbridges designed with cycle users in mind. Further, the feedback from local residents and consultees, which state that the design of the bridges’ railings is ‘utilitarian’ and ‘municipal’ in nature, it is recommended that a condition requiring the applicant to submit full design details including measurements of the railings be imposed.

5.4 The proposed footbridge would sit on the site of an old railway bridge that was removed some decades ago. The proposed footbridge is elevated above neighbouring properties on a raised embankment, as the greenway route follows a removed railway line. The footbridge would be located in a predominantly residential area with many residential properties surrounding the footbridge’s proposed location, albeit at a lower ground level. The nearest residential property being located approximately 15m away from the proposed bridge location at a lower ground level (road level).

5.5 The proposed development has received a number of objections from local residents relating to the loss of privacy that would affect neighbouring properties through the opening up of the greenway route by the proposed footbridge. Land located either side of the footbridge is owned by Warwickshire County Council and it is considered appropriate to implement a suitable landscaping scheme to overcome residents concerns relating to loss of privacy and security. Therefore, it is recommended that a condition requiring the applicant to submit and implement a suitable scheme be imposed. As such, it is considered that the proposal accords with policy DP2 (Amenity) which seeks to ensure that
development does not adversely impact upon the amenity of nearby neighbours and land uses.

5.6 The Kenilworth Society have submitted an objection in relation to the proposal as they believe that the quality of the design is poor and that a more original design is required. Whilst this is subject to opinion it is considered that the bridge design was chosen on merit by the general public, through consultation and that the bridge design was chosen on the basis that it performs its function as a crossing point effectively and not as a prominent ‘gateway’ landmark for Kenilworth.

5.7 A further objection was put forward by local residents to the scheme in relation to drainage infrastructure of the scheme. Local residents at present have noted that there are existing problems with drainage in the area and are concerned that the proposed footbridge would adversely impact upon an existing problem. The footbridge design will require a drainage system and the applicant has proposed such a scheme. The scheme will be either a sustainable soakaway system which would store immediate storm water and then infiltrate the surrounding soil to disperse it (the size and depth of soakaway would be dependent upon the infiltration properties of the embankment) or, a traditional storm water drainage system which would collect run off from the bridge deck and then discharge it into the existing highway drainage system. As such, it is recommended that a condition requiring the applicant to submit and implement such a scheme be imposed.

5.8 As has been previously stated the proposed footbridge was put forward as part of an overall cycleway/footpath route between Kenilworth and Berkswell. During the consultation process, whereby local residents and consultees were consulted on the proposal, many residents and consultees replied showing their considerable support for the project and highlighting the fact that they believe the continuation of the greenway route through the construction of a footbridge would prove extremely beneficial for local residents and visitors alike.

6. Conclusion

6.1 It is considered that the continuation of the greenway route between Kenilworth and Berkswell would benefit many local communities along the route through increased access to the surrounding countryside, whilst helping to provide a safe, largely traffic free route into Kenilworth town centre. The proposed bridge is a simple, plain design that would not have a detrimental impact upon the visual amenity of the surrounding area.

PAUL GALLAND
Strategic Director for Environment and Economy
Shire Hall
Warwick

15 February 2010
Regulatory Committee: 23rd February 2010

Proposed Kenilworth Footbridge over A429

Produced using Warwickshire Online Mapping Browser and Toolkit (WOMBAT) Corporate GIS.
Appendix B of Agenda No

Regulatory Committee – 23 February 2010

A429 Coventry Road, Kenilworth - Construction of a Pedestrian Footbridge/Cycleway

Application No: W2038/10CC003

1. The development hereby permitted shall be commenced no later than three years from the date of this permission.

**Reason** - To comply with the provisions of section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the details submitted with the application reference W2038/10CC003 and in accordance with the approved plans comprising Plans Reference Numbers 100BFL 100840 Sheet 1 and Plan Number 2008/SD61/5 and any samples or details approved in accordance with the conditions attached to this permission except to the extent that any modification is required or allowed by or pursuant to these conditions.

**Reason** - To define the exact details of the planning permission granted and to secure a satisfactory standard of development in the locality.

3. The development hereby permitted shall not be commenced until a schedule of all external finish materials including colourings, to be used on the exterior of the structure hereby approved has been submitted to and approved in writing by the County Planning Authority. The development shall then be carried out in accordance with the said approved schedule.

**Reason** - To ensure the satisfactory appearance of the completed development.

4. The landscaping scheme approved pursuant to Condition 4 of this permission shall be implemented in the first planting season following the completion of the development hereby approved and, unless otherwise agreed in writing by the County Planning Authority, should any plants/trees planted as part of the landscaping scheme die, be removed or become damaged or seriously diseased
within five years of the initial planting then they shall be replaced in the next planting season with others of a similar size and species.

**Reason** - To ensure the satisfactory appearance of the completed development.

6. The development hereby permitted shall not be commenced until full design details of railing design for the footbridge have been submitted to and approved in writing by the County Planning Authority. These details should include written specifications, elevation drawings and precise measurements. The development shall then be carried out in full in accordance with the said approved details.

**Reason** - To ensure the satisfactory appearance of the completed development.

7. The development hereby permitted shall not be commenced until full details of the means of surface water disposal to serve the development have been submitted to and approved in writing by the County Planning Authority. The said approved scheme shall then be installed in the approved form prior to the development being utilised by the general public.

**Reason** - To ensure that the satisfactory arrangements are made for the disposal of the foul and surface water generated by this development.

**Development Plan Policies Relevant to this Decision**

**Warwick District Adopted Local Plan. 1996 – 2011**

**DP1 – Layout and Design** – Development will only be permitted which positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they:

(i) harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use;

(ii) relate well to local topography and landscape features, including prominent ridge lines;

(iii) reinforce or enhance the established urban character of streets, squares and other spaces;

(iv) reflect, respect and reinforce local architectural and historical distinctiveness;

(v) enhance and incorporate important existing features into the development;

(vi) respect surrounding buildings in terms of scale, height, form and massing;

(vii) adopt appropriate materials and details;

(viii) integrate with existing paths, streets, circulation networks and patterns of activity;
(ix) provide adequate open space for the development in terms of both quantity and quality;

(x) incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features;

(xi) ensure all components, e.g. buildings, landscaping, access routes, parking and open spaces are well related to each other and provide a safe and attractive environment;

**DP2 – Amenity** – Development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

**DP11 – Drainage** – Development will be encouraged to incorporate sustainable drainage systems which provide for the disposal of surface water.

**DP14 – Crime Prevention** – The layout and design of development will be encouraged to minimise the potential for crime and anti-social behaviour and improve community safety.

**SC4 – Supporting Cycle & Pedestrian Facilities** – Development of cycle and pedestrian facilities will be permitted provided the benefits in terms of encouraging cycling and walking outweigh any adverse impacts.

**Reasons for the Decisions to Grant Permission**

The development hereby permitted accords with the relevant provisions of the development plan and there are no contrary material considerations sufficient to withhold permission. Furthermore it is considered that the social and infrastructure benefits which will result from the proposals implementation constitute sound planning reasons which upholds approval of this development.

**Note:** The policies, proposals and reasons given above are only summaries of the considerations set out more fully in the application report and minutes of the Regulatory Committee.
### AGENDA MANAGEMENT SHEET

**Name of Committee**: Regulatory Committee  
**Date of Committee**: 23 February 2010  
**Report Title**: Redevelopment of Poplars Farm, Wood End, Hurley

**Summary**  
This application seeks consent to extend the existing cattle buildings, to remove existing redundant buildings, to construct a new slurry pit and silage clamp, to construct a new hard standing and to resurface the existing access track at Poplars Farm, Tamworth Road, Wood End, Hurley.

**For further information please contact**  
Mohammed Nasser  
Planner  
Tel. 01926 412193  
mohammednasser@warwickshire.gov.uk

**Would the recommended decision be contrary to the Budget and Policy Framework?**  
Yes/No

**Background Papers**  
Planning application (NW2065/10CC002) registered on 8/1/10.  
Police Architectural Liaison Officer Consultation Response – received on 18/1/10.  
North Warwickshire Borough Council (Environmental Health) Consultation Response – received on 28/1/10.  
Museum Services (Ecology) Consultation Response – received on 2/2/10.

**CONSULTATION ALREADY UNDERTAKEN:-**  
*Details to be specified*

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(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
Chief Executive  
Legal  
Finance  
Other Chief Officers  
District Councils  
Health Authority  
Police  
Other Bodies/Individuals  

**FINAL DECISION**  YES/NO  
*(If ‘No’ complete Suggested Next Steps)*

**SUGGESTED NEXT STEPS :**  
Details to be specified

Further consideration by this Committee  
To Council  
To Cabinet  
To an O & S Committee  
To an Area Committee  
Further Consultation
Regulatory Committee – 23 February 2010
Redevelopment of Poplars Farm, Wood End, Hurley

Report of the Strategic Director for Environment and Economy

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the redevelopment of Poplars Farm, Tamworth Road, Wood End, Hurley, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

Application No: NW2065/10CC002
Received by County: 8/1/2010
Applicant(s): Warwickshire County Council, Shire Hall, Warwick, CV34 4RP.
Agent(s): Mr David Russell, Warwickshire County Council, Environment and Economy, Rural Communities, Barrack Street, Warwick, CV34 4SX.

The Proposal: This application seeks consent to extend the existing cattle buildings, remove existing redundant buildings, construct a new slurry pit and silage clamps, to construct a new hard standing and to resurface the existing access track at Poplars Farm [submitted under Regulation 3 of the Town and Country Planning Regulations 1992].

Site and Location: Poplar Farm, Tamworth Road, Wood End, Hurley, CV9 2QQ.
Grid Reference: 424660, 297881
See plan in Appendix A

1. Application Details

1.1 This application seeks consent for the redevelopment of Poplars Farm, which is to include the following:-
(i) The construction of three cattle buildings adjacent to the existing cattle buildings.
(ii) The construction of a lean-to to the north-west elevation of the existing cattle buildings.
(iii) The construction of a new silage clamp located on the western elevation of the proposed new cattle buildings.
(iv) The construction of a new slurry pit.

1.2 The proposed stock building is to be constructed to a height of 8.8m from ground level to its ridge vents and is to encompass a total footprint of 1851m² whilst the proposed lean-to is to measure approximately 104m², a combined footprint of 1955m². The proposed would be constructed from a combination of concrete panels and ‘Yorkshire board’ timber cladding. Concrete panels are to be utilised on the lower half of the building (up to a height of 2m) whilst timber cladding will be utilised on the upper half of the building up to the roof line.

1.3 The roofs for the three proposed farm buildings are to be constructed from fibre cement sheeting with, with in built skylights for additional lighting, coloured grey so as to match the appearance of the existing agricultural buildings located on site. Access into the small holding from the highway is to remain the same as existing however, is to be resurfaced as part of the development in order to improve upon the neglected state of the access track.

1.4 The proposed silage clamp is to be located to the west of the proposed new buildings and is to include 3 x 468m² bay clamps which is to be fronted by a concrete apron. The silage clamp is to comprise of 3 x 2.8m high walls that are to be constructed from pre-cast concrete panels with an additional steel guard rail above this (and additional height of 1.8m).

1.5 The proposed slurry pit is to have a footprint of 961m and will be defined by walls on three sides that will be constructed from pre-cast concrete panels set into the ground, measuring 2.4m above ground level. These concrete walls will then be topped by additional timber boarding which will measure 1.2m in height, a total wall structure height of 3.6m.

1.6 The proposals cover the development of the farm buildings as a whole so that provision for a milking parlour and dairy can be provided. This will include 108 cubicles for dairy cows to be housed in the proposed buildings whilst also accommodating a further 108 cows in the existing buildings to be retained. The rationale behind the proposed redevelopment of the small holding is to make efficient use of the space and resources available whilst also achieving better management of livestock by housing them in covered yard areas rather than in the open.

2. Consultations

2.1 North Warwickshire Borough Council – no comments received.

2.2 North Warwickshire Borough Council (Environmental Health) – no objection.
2.3 **Councillor B Moss** – no comments received as at 9/2/10.

2.4 **Police Architectural Liaison Officer** – no objection.

2.5 **Kingsbury Parish Council** – no comments received.

2.6 **Museum Services (Ecology)** – no objection.

3. **Representations**

3.1 None.

4. **Observations**

4.1 Poplars Farm is a Warwickshire County Council owned small holding that is leased to a tenant. The farm itself currently comprises of approximately 59 hectares of land and is run as a dairy farm which currently has accommodation for approximately 120 cattle and is seeking permission to accommodate up to 280 dairy cattle.

4.2 Poplars Farm is set back from Tamworth Road and is situated on the outskirts of the village of Wood End. The existing farm buildings sit within a substantial plot with the nearest residential properties located along Tamworth Road situated approximately 100m in a north easterly direction. Given the existing agricultural appearance of the site and the proposed developments cohesive design elements, it is considered that the proposal would not have an unacceptable impact on neighbour amenity and as such accords with policy ENV.11 (Neighbour Amenity) in the North Warwickshire Borough Local Plan. The applicant has also proposed to provided additional planting of native species in front of the proposed buildings to provide further screening. It is recommended that a suitable landscaping scheme should be submitted to and approved in writing by the County Planning Authority before development commences.

4.3 The proposed stock building and lean-to is to be constructed from materials that would provide an element of cohesive design in relation to the existing agricultural buildings and as such provides development that would be expected within a rural setting. Therefore the proposed development accords with policy ENV.13 (Building Design) of the North Warwickshire Borough Local Plan. All materials samples and specifications are to be approved before development commences and a condition requiring this is recommended.

4.4 The proposed development works are to be located within the Green Belt as defined by the North Warwickshire Local Plan. It is considered that the proposed development works are ‘appropriate development’ within the Green Belt. Paragraph 3.6 of PPG2 – ‘Green Belts’ states that “the construction of new buildings inside the Green Belt is inappropriate unless it is for the following purposes”, one of which is the construction of buildings for agricultural use which this development proposal complies with.

4.5 Poplars Farm is at present operating as a dairy farm with approximately 120 dairy cattle, however, in order to maintain the small holding as a viable entity the
new tenant would be required to increase the dairy heard to approximately 210 milking cows and an additional 70 animals which in turn would require further accommodation by way of the proposed barn/stock building. As such it is considered that the proposed development works at Poplars Farm accords with policy.

5. Conclusion

5.1 The development is in accordance with the relevant provisions of the development plan and there are no contrary material considerations sufficient to justify withholding permission.

PAUL GALLAND  
Strategic Director for Environment and Economy  
Shire Hall  
Warwick  

15 February 2010
Regulatory Committee: 23rd February 2010

Redevelopment of Poplars Farm, Wood End.

Produced using Warwickshire Online Mapping Browser and Toolkit (WOMBAT) Corporate GIS.
Appendix B of Agenda No

Regulatory Committee – 23 February 2010

Redevelopment of Poplars Farm, Wood End, Hurley

Application Number – NW2065/10CC002

1. The development hereby approved shall be commenced no later than three years from the date of this permission.

Reason - To comply with the provisions of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the details submitted Application Reference No. NW2065/10CC002 and in accordance with the approved plans reference 421/51, 421/52, 421/53 and 421/54 and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason - In order to define the scope of the permission and in the interest of clarity.

3. No development shall take place until a schedule of all external finish materials to be used in the construction of the external walls and roof of the proposed development hereby permitted have been submitted to and approved in writing by the County Planning authority. The development shall then be carried out in full in accordance with the approved details submitted.

Reason - In order to ensure the satisfactory appearance of the completed development.

4. The development hereby permitted shall not be commenced until full details of landscape proposals for the site have been submitted to and approved in writing by the County Planning Authority. These details should include a planting plan showing existing trees to be retained along with new planting, written specifications, schedules of plants/trees noting plant/tree locations, species, sizes and proposed numbers and densities where appropriate.

Reason: To ensure the satisfactory appearance of the completed development.

5. The landscaping scheme approved pursuant to Condition 4 of this consent shall be implemented in the first planting season following the completion of the development hereby approved and unless otherwise agreed in writing by the County Planning Authority, should any plants/trees planted as part of the landscape scheme, die, are removed, become damaged or are seriously diseased within five years of the initial planting then they shall be replaced in the next planting season with others of a similar size and species.
Reason: To ensure the satisfactory appearance of the completed development.

Development Plan Policies Relevant to this Decision

North Warwickshire Borough Council Local Plan.

Policy ENV2 – Green Belt – This policy designates the extent of the Green Belt within the local plan and restricts development within a designated area.

Policy ENV11 – Neighbour Amenities – Development will not be permitted if the occupiers of nearby properties would suffer significant loss of amenity, including overlooking, loss of privacy, or disturbance due to traffic, offensive smells, noise, light, dust or fumes. Occupiers of the development itself should also enjoy satisfactory standards of these amenities.

Policy ENV13 – Building Design – This policy seeks to ensure that new buildings and extensions are constructed from materials that respect and enhance local distinctiveness and that the scale, height and massing of development integrates effectively into its surroundings.

Policy ECON7 – Agricultural and Forestry Buildings and Structures – This policy seeks to ensure that the construction and/or extension of agricultural or forestry buildings are done so on the basis that it provides long-term viability for the small holding, is designed and sited in a suitable manner for the locality and does not impact detrimentally upon the amenity of the surrounding residents.

Reasons for the Decisions to Grant Permission

The development hereby permitted is considered to be in accordance with the relevant provisions of the development plan and it is considered that there are no contrary material considerations sufficient to justify withholding permission. Furthermore, it is considered that the proposed development is 'appropriate development' within the Green Belt as defined by paragraph 3.4 of PPG2.
**AGENDA MANAGEMENT SHEET**

<table>
<thead>
<tr>
<th>Name of Committee</th>
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<tbody>
<tr>
<td>Date of Committee</td>
<td>23 February 2010</td>
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<tr>
<td>Report Title</td>
<td>Hopkins Farm, Lower Tysoe - The Construction of a Barn/Stock Building</td>
</tr>
<tr>
<td>Summary</td>
<td>This application seeks consent for the construction of a barn/stock building for the purposes of housing cattle at Hopkins Farm, Lower Tysoe.</td>
</tr>
<tr>
<td>For further information please contact</td>
<td>Mohammed Nasser Planner Tel. 01926 412193 <a href="mailto:mohammednasser@warwickshire.gov.uk">mohammednasser@warwickshire.gov.uk</a></td>
</tr>
<tr>
<td>Would the recommended decision be contrary to the Budget and Policy Framework?</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Background Papers</td>
<td>Planning Application (S4693/10CC001) registered on 8/1/10. Police Architectural Liaison Officer Consultation Response – Received on 14/1/10.</td>
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**CONSULTATION ALREADY UNDERTAKEN:-**

| Other Committees | ................................................................. |
| Other Elected Members | ................................................................. |
| Local Member(s) (With brief comments, if appropriate) | Councillor I Seccombe – no comments as at 9/2/10. |
| Cabinet Member (Reports to The Cabinet, to be cleared with appropriate Cabinet Member) | ................................................................. |
| Chief Executive | ................................................................. |
| Legal | I Marriott – agreed. |
| Finance | ................................................................. |

*Details to be specified*
| Other Chief Officers |  
|---------------------|---------------------------------------------------------------|
| District Councils   | X Stratford on Avon District Council – no comments received.  |
|                     | Stratford on Avon District Council Environmental Health – no comments received.  |
| Health Authority    |  
| Police              | X Police Architectural Liaison Officer – no objection.        |
| Other Bodies/Individuals | X Tysoe Parish Council – no comments received.          |

**FINAL DECISION**  YES/NO  *(If ‘No’ complete Suggested Next Steps)*

**SUGGESTED NEXT STEPS :**

*Details to be specified*

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation
Regulatory Committee – 23 February 2010

Hopkins Farm, Lower Tysoe -
The Construction of a Barn/Stock Building

Report of the Strategic Director for Environment and Economy

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the construction of a barn/stock building for the purposes of housing cattle at Hopkins Farm, Lower Tysoe Road, Lower Tysoe, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

Application No: S4693/10CC001

Received by County: 8/1/2010

Applicant(s): Warwickshire County Council, Shire Hall, Warwick, CV34 4RP.

Agent(s): Mrs Carolyn Cox, Warwickshire County Council, Environment and Economy, Rural Communities, Barrack Street, Warwick, CV34 4SX.

The Proposal: This application seeks consent for the construction of a barn/stock building for the purposes of housing cattle at Hopkins Farm, Lower Tysoe [submitted under Regulation 3 of the Town and Country Planning Regulations 1992].

Site and Location: Hopkins Farm, Lower Tysoe Road, Lower Tysoe, CV35 0BN.

Grid Reference: 409420,257060

See plan in Appendix A

1. Application Details

1.1 This application seeks consent for the construction of a barn/stock building on land located within Hopkins Farm along with a lean-to which will form part of the existing group of agricultural buildings found within the site.
1.2 The proposed stock building is to be constructed to a height of 7m from ground level to its ridge vents and is to encompass a total area of 278.4m² whilst the lean to is to measure 55.75m², a total area of 334.2m². The proposed stock building is to be constructed from a combination of concrete panels and ‘Yorkshire’ timber cladding. Concrete panels are to be utilised on the lower half of the building whilst the timber cladding will be utilised on the upper half of the building up to the roof line.

1.3 The roof itself is to be constructed from fibre cement sheeting, coloured grey so as to match the appearance of the existing agricultural buildings located in the vicinity. Access to the proposed stock building will be gained through the implementation of one 4.26m high gate on the buildings western elevation and also through two 1.52m high gates on each gable end of the building.

1.4 The proposed development works at Hopkins Farm have been put forward in response to the County Council’s ongoing refurbishment and improvement programme that will enable the farm to continue as a viable stock farming business by increasing the current herd of cattle from 50 to 70.

2. Consultations

2.1 Stratford on Avon District Council – no comments received.

2.2 Stratford on Avon District Council Environmental Health – no comments received.

2.3 Councillor I Seccombe – no comments received as at 9/2/10.

2.4 Police Architectural Liaison Officer – no objection.

2.5 Tysoe Parish Council – no comments received.

3. Representations

3.1 None.

4. Observations

4.1 Hopkins Farm is a Warwickshire County Council owned small holding that is leased to a tenant. The farm itself comprises of approximately 73 hectares of land and is run as a stock farm which currently manages 50 cattle and is now looking to increase this number to 70 cattle.

4.2 Hopkins Farm is set back from Lower Tysoe Road and is situated on the outskirts of the village of Lower Tysoe. The existing farm buildings sit within a substantial plot that is screened from the road and surrounding neighbours by existing mature vegetation and existing agricultural buildings with the nearest residential property located approximately 120m in a south westerly direction. As such, it is considered that the development, through its layout and design, would not have an unacceptable impact on residential amenity and as such
accords with policy DEV.4 (Layout and Design) in the Stratford on Avon District Local Plan.

4.3 The proposed stock building and lean-to is to be constructed from materials that would provide an element of cohesive design in relation to the existing agricultural buildings and as such provides development that would be expected within a rural setting. As such it is considered that the proposed development accords with policy PR.1 (Landscape and Settlement Character) of the Stratford on Avon District Local Plan. All materials samples and specifications are to be approved before development commences and a condition requiring this is recommended.

4.4 The proposed development is to be located within the Cotswolds Area of Outstanding Natural Beauty (AONB). It is considered that the development proposals are essential for the viable operation of the existing small holding whilst the scale of the development works are considered to complement the existing agricultural buildings located within Hopkins Farm. As such, it is considered that the development proposal accords with policy EF.1 (Cotswolds Area of Outstanding Natural Beauty) which seeks to promote agricultural development where there is a genuine need for it as long as the siting and design of the development would not have a detrimental impact upon the surrounding landscape.

4.5 Hopkins Farm is at present an operating stock farm with 50 cattle however, in order to maintain the small holding as a viable entity the tenant would need to increase the cattle heard to 70 animals which in turn would require further accommodation by way of the proposed barn/stock building. As such it is considered that the proposed development works at Hopkins Farm accord with Policy CTY.4A (Agriculture and Farm Diversification) which seeks to permit development for agricultural purposes where there is a genuine need for such a purpose and that the development is designed and sited in such a way as to not have a detrimental impact upon the environment.

5. Conclusion

5.1 It is considered that the development is in accordance with the relevant provisions of the development plan and that the development is acceptable in amenity terms. Furthermore, it is considered that the development proposal benefits the local rural economy through retaining and improving an economically viable small holding.

PAUL GALLAND
Strategic Director for Environment and Economy
Shire Hall
Warwick

9 February 2010
Regulatory Committee: 23rd February 2010

Construction of Barn/Stock Building - Hopkins Farm

Produced using Warwickshire Online Mapping Browser and Toolkit (WOMBAT) Corporate GIS.
Appendix B of Agenda No

Regulatory Committee – 23 February 2010

Hopkins Farm, Lower Tysoe -
The Construction of a Barn/Stock Building

Application Number – S4693/10CC001

1. The development hereby approved shall be commenced no later than three years from the date of this permission.

**Reason** – To comply with the provisions of section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the details submitted Application Reference No. S4693/10CC001 and in accordance with the approved plans Reference 2489/3/01 and 2489/3/02 and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

**Reason** – In order to define the scope of the permission and in the interests of clarity.

3. No development shall take place until a schedule of all external finish materials to be used in the construction of the external walls and roof of the proposed development hereby permitted have been submitted to and approved in writing by the County Planning authority. The development shall then be carried out in full in accordance with the approved details submitted.

**Reason** – In order to ensure the satisfactory appearance of the completed development.

Development Plan Policies Relevant to this Decision

Stratford on Avon District Local Plan – Adopted July 2006.

**PR.1 – Landscape and Settlement Character** – This policy seeks to ensure that development proposals should respect and where possible, enhance the quality and character of the area.

**DEV.1 – Layout and Design** – Development proposals will be required to have regard to the character and quality of the local area.

**EF.1 – Cotswolds Area of Outstanding Natural Beauty** – The special qualities of those parts of the Cotswolds Area of Outstanding Natural Beauty which lie within Stratford on Avon District, will be protected, and where opportunities arise, be enhanced.
CTY.4A – Agriculture and Farm Diversification – Seeks to promote agricultural development where there is a genuine need for it and that the siting and design of the development would not have a detrimental impact on the environment.

Reasons for the Decisions to Grant Permission

The development hereby permitted is considered to be in accordance with the relevant provisions of the development plan and it is considered that there are no contrary material considerations sufficient to justify withholding planning permission. Furthermore, it is considered that the development proposal benefits the local rural economy through retaining and improving an economically viable small holding.
AGENDA MANAGEMENT SHEET

Name of Committee: Regulatory Committee

Date of Committee: 23 February 2010

Report Title: Etone Community School and Technology College, Leicester Road, Nuneaton - Variation of Condition 5 of Planning Permission N5/09CC018 to Extend the Timescale for Submission of a Landscaping Scheme

Summary: The application proposes the Variation of Condition 5 of Planning Permission N5/09CC018 to extend the timescale for submission of a landscaping scheme at Etone Community School and Technology College, Leicester Road, Nuneaton.

For further information please contact: Sue Broomhead, Senior Planner, Tel. 01926 412934, suebroomhead@warwickshire.gov.uk

Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Background Papers: Submitted application and plans, received 2/12/2009. Letter from Nuneaton and Bedworth Borough Council (Planning) dated 30/12/2009. Neighbour representation.

CONSULTATION ALREADY UNDERTAKEN:- Details to be specified

Other Committees

Local Member(s)
(With brief comments, if appropriate)

× Councillor A Farnell – No comments received as at 9/2/2010.

Other Elected Members

Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
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<thead>
<tr>
<th>Role</th>
<th>Decision</th>
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<tbody>
<tr>
<td>Legal</td>
<td>X I Marriott – agreed.</td>
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<tr>
<td>District Councils</td>
<td>X Nuneaton and Bedworth Borough Council (Planning) – No objection.</td>
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**FINAL DECISION**  YES/NO  (If ‘No’ complete Suggested Next Steps)

**SUGGESTED NEXT STEPS :**

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

*Details to be specified*
Regulatory Committee – 23 February 2010

Etone Community School and Technology College, Leicester Road, Nuneaton - Variation of Condition 5 of Planning Permission N5/09CC018 to Extend the Timescale for Submission of a Landscaping Scheme

Report of the Strategic Director for Environment and Economy

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the Variation of condition 5 of planning permission N5/09CC018 to extend the timescale for submission of a landscaping scheme at Etone Community School and Technology College, Leicester Road, Nuneaton, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

Application No: N5/09CC053

Submitted by: BBLB Architects LLP on behalf of Warwickshire County Council.

Received by: Strategic Director for Environment and Economy on 2 December 2009.

The Proposal: Variation of Condition 5 of Planning Permission N5/09CC018 to extend the timescale for submission of a landscaping scheme [submitted under Regulation 3 of the Town and Country Planning Regulations 1992.]

Site and Location: 0.377 ha of land at Etone Community School and Technology College, Leicester Road, Nuneaton.

See plan in Appendix A.
1. Application Details

1.1 The proposed development seeks consent for the Variation of Condition 5 of Planning Permission N5/09CC018 to extend the timescale for submission of a landscaping scheme.

1.2 The current conditions states: ‘Within six months of the date of this permission, a detailed planting and landscaping scheme for the site shall be submitted to the County Planning Authority for approval in writing. These details should include details of the height and form of the proposed and existing screening, and a planting plan showing existing trees to be retained along with new planting, written specification, schedules of plants noting plant locations, species, sizes and proposed numbers and densities where appropriate’.

1.3 It is now proposed that the aforementioned condition be replaced with:- ‘Within 6 months of commencement on site, a detailed planting and landscaping scheme for the site shall be submitted to the County Planning Authority for approval in writing. These details should include details of the height and form of the proposed and existing screening, and a planting plan showing existing trees to be retained along with new planting, written specification, schedules of plants noting plant locations, species, sizes and proposed numbers and densities where appropriate’.

2. Consultations

2.1 Councillor A Farnell – No comments received as at 9/2/2010.

2.2 Nuneaton and Bedworth Borough Council (Planning) – No objection.

3. Representations

3.1 One email of objection has been received from a local resident concerned about the access and parking at the Post 16 Centre. This matter was fully assessed and reported to Regulatory Committee in July 2009 and therefore is not the subject of this variation.

4. Observations

4.1 Planning permission was granted 2 July 2009 for the erection of a new Post 16 centre with associated landscaping and car parking to be located on land at Etone Community School and Technology College. Conditions were attached to that planning permission requiring schemes to be submitted for approval. Condition 5 of the permission required a detailed planting and landscaping scheme to be submitted for approval within 6 months of the date of the permission.

4.2 The applicant has advised that due to delays in the final design process and a decision that the development will not open until September 2011 they will not be in a position to submit the planting and landscaping scheme in accordance
with the condition and therefore wish to vary the condition to allow for extra time for submission.

4.3 The concern raised by a local resident refers to the access and parking provision at the Post 16 Centre. This matter was fully assessed and reported to Regulatory Committee in July 2009 with the proposed development at the time being accepted. This application does not include any changes to the access or parking and therefore the representation at this time does not relate to the current application.

4.4 It is considered that the proposed variation of condition is acceptable and would enable the final design of the development to be completed. The timescales for implementation of the scheme will not change and the amendment to the timetable for the condition to be submitted will not affect the amenity of local residents or appearance of the site.

5. **Conclusions**

5.1 The proposed extension in time for submission of a planting and landscaping scheme would result in the development having no greater impact on the amenity of nearby residents than those currently approved. Therefore, there are no policy reasons why the application should not be supported.

PAUL GALLAND
Strategic Director for Environment and Economy
Shire Hall
Warwick

9 February 2010
APPENDIX OF AGENDA NO.

Regulatory Committee: Regulatory Committee 23rd February 2010
Etone Community School & Technology College, Landscaping Scheme

Produced using Warwickshire Online Mapping Browser and Toolkit (WOMBAT) Corporate GIS.
Etone Community School and Technology College, Leicester Road, Nuneaton - Variation of Condition 5 of Planning Permission N5/09CC018 to Extend the Timescale for Submission of a Landscaping Scheme

Application Number - N5/09CC053

All conditions and limitations relating to Planning Permissions N5/09CC018 in effect at the date of this permission shall continue to apply except Condition 5 of Planning Permission N5/09CC018 shall be amended to:

1. Within 6 months of commencement on site, a detailed planting and landscaping scheme for the site shall be submitted to the County Planning Authority for approval in writing. These details should include details of the height and form of the proposed and existing screening, and a planting plan showing existing trees to be retained along with new planting, written specification, schedules of plants noting plant locations, species, sizes and proposed numbers and densities where appropriate.

Reason: In the interests of the amenities of nearby residents

Reasons for the Decisions to Grant Permission

The proposed extension in time for submission of a planting and landscaping scheme would result in the development having no greater impact on the amenity of nearby residents than those currently approved. Therefore, there are no policy reasons why the application should not be supported.

Note: The policies, proposals and reasons given above are only summaries of the considerations set out more fully in the application report and minutes of the Regulatory Committee.