

**AGENDA MANAGEMENT SHEET**

**Name of Committee**                      **Regulatory Committee**

**Date of Committee**                      **27th September 2005**

**Report Title**                              **Construction of a Two-Storey Special Educational Needs (SEN) School plus Associated Parking and Hard Play Areas on Land to the South of the Former Trinity Catholic Technology College, Myton Road, Warwick**

**Summary**                                      This application seeks full planning permission for the construction of a new SEN school to serve the central area of the county.

**For further information please contact**                      Ian Grace  
Principal Planner  
Tel. 01296 412645  
iangrace@warwickshire.gov.uk

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

**Background Papers**                              Letter from the occupant of 36 Myton Crescent dated 29/7/05.  
Letter from the occupant of 211 Myton Road dated 1/8/05.  
Letter from occupant of 50 Myton Crescent received on 4/8/05.  
Letter from the occupant of 278 Myton Road received on 18/8/05.  
E-mail correspondence from the Warwick Society dated 10/8/05.  
Letter from Warwick Town Council dated 8/8/05.  
Letter from the County Ecologist dated 25/8/05.  
Letter from Warwick District Council dated 30/8/05.

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

Other Committees                               .....

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

Councillor Mrs M B Haywood – No comments received

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 objections

Health Authority

.....

Police

Police Architectural Liaison Officer – No objections

Other Bodies/Individuals

Sport England – 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 – 27th September 2005**

**Construction of a Two-Storey Special Educational Needs (SEN) School plus Associated Parking and Hard Play Areas on Land to the South of the Former Trinity Catholic Technology College, Myton Road, Warwick**

**Report of the Director of Planning, Transport and Economic Strategy**

**Recommendation**

That the application be referred to the Secretary of State in accordance with Circular 7/99–The Town and Country Planning (Development Plans and Consultation)(Departures) Direction 1999 and subject to the application not being called in for determination by the Secretary of State, the Regulatory Committee authorises the grant of planning permission for the construction of a new Special Educational Needs school on land to the south of Trinity Catholic Technology College, Myton Road, Warwick, subject to the conditions and reasons contained in **Appendix B** of the report of the Director of Planning, Transport and Economic Strategy.

APPLICATION NO.	W817/05CC021
SUBMITTED BY:	The Director of Property Services on behalf of the Cabinet of Warwickshire County Council.
RECEIVED BY	The Director of Planning Transport and Economic Strategy on 18/7/05
THE PROPOSAL	The Construction of a new SEN school plus associated car parking, service areas and hard play areas on land to the south of The Trinity Catholic Technology College, Myton Road, Warwick. (Submitted under Regulation 3 of The Town and Country Planning Regulations 1992).
SITE & LOCATION	Land to the south of the Trinity Catholic Technology College, Myton Road, Warwick.  See plan in <b>Appendix A</b>

## 1. Application details

- 1.1 This application seeks full planning permission for the construction of a new SEN school on land currently used as school playing fields, located to the south of the former Trinity Catholic Technology College on Myton Road, Warwick. The application site is currently a level area of grass land. A smallholding consisting of a cottage and a group of modest agricultural buildings is located immediately to the east of the application site area, whilst to the west the site abuts the gardens of residential properties in Myton Crescent. To the north of the site are located the buildings of the former Trinity Catholic school now owned by Twigden Homes. The southern and south western boundaries of the site abut farmland.
- 1.2 Detailed plans show that the new school would be built as a largely single storey structure in facing bricks under a tiled roof, similar in design to the new school currently under construction at Morris Drive in Nuneaton. The building proposed is a wide spanned structure allowing the provisions of rooms within the roof space lit by rooflight windows placed flush to the roof slope. These rooflights have been placed at high level so that they will provide good light to the classrooms but will not overlook neighbouring properties. The overall ridge height of the school building would be 8 metres with an eaves height of 3.6 metres. The main part of the school would be contained within a building with a continuous length of 66 metres with an additional two sections totalling an additional 35 metres containing the entrance lobby and the assembly hall. The entire length of the building would be laid out on a north-east/south-west axis across the northern part of the site.
- 1.3 In addition to the main school buildings a 5 bay garage building is proposed in the north west corner of the site to accommodate the school minibuses and to house the sprinkler system which will provide fire protection for the building. This garage is to be built in the same materials as the main school building and has a ridge height of 5 metres and an eaves height of 3.5 metres. This is taller than a standard domestic garage because of the need to accommodate minibuses.
- 1.4 In addition to the two buildings a large area of car park and service roads are proposed to the north and west of the main school building. The car park can accommodate 83 cars and the service areas have been designed to allow minibuses to access the site and to turn around and leave with ease.
- 1.5 In addition to these features it is proposed to lay out the grassed areas located to the south of the proposed building as sports pitches and to construct four small hard surfaced play areas and an enclosed play area measuring 36 metres x 20 metres, enclosed by a 1.2 metre high wall topped by a 3metre high fence. This latter area is located to the south of the school building and is intended to accommodate more boisterous play activities.
- 1.6 Except to allow for the construction of the new access road (which would result in the loss of two small trees) all existing trees on the site are to be retained. In

addition substantial new tree planting is proposed along the northern and the western boundaries of the site.

- 1.7 Access to the site is to be provided through the land to the north which is currently occupied by the former Trinity School buildings but which is owned by Twigden Homes who intend to develop their land for housing. Although the exact layout for their development has not been finalised it can be said that the new school would be served through a modern housing estate. This scheme has been designed so that access can be achieved from a variety of points along the northern boundary without prejudicing the scheme.

## **2. Consultations**

2.1 **Warwick District Council** - No objections.

2.2 **Warwick Town Council – Objects** to this application on the ground that:-

- (i) The neighbour notification indicates that the development does not accord to the development plan a document supported by the Town Council and presumably Warwickshire County Council. No explanation is given as to why the local plan should be ignored and this development constructed in the Area of Restraint in the emerging local plan.
- (ii) In the absence of strong planning grounds it is disappointing that a local authority should ignore planning policies and carry out development which would be detrimental to the open character of the area rather than protect land which has a role in ensuring that the urban area remains attractive.
- (iii) Given that no justification seems to have been given for this development it would appear that the only reason to develop this site is a financial interest in it. There can be no grounds for a local authority seeking to take advantage of the planning system to allow development which would not be in the interests of local residents, be contrary to district wide policies and which should be refused in the light of prevailing planning policies for the area.

2.3 **Councillor Mrs M Haywood** – No comments received.

2.4 **County Museum** – Advises that the development does not affect areas of nature conservation interest. However as many existing trees as possible should be retained on the site and they should be protected during construction work.

2.5 **Environment Agency** – No comments received.

2.6 **Severn Trent Water Ltd** – Has no objections provided a condition is imposed requiring both foul and surface water to be installed to the approval of the County Planning Authority.

2.7 **Sport England** – No comments received.

2.8 **Warwick Society – Objects** to this application for the following reasons:-

- (i) They fully support the provision of modern, well designed, purpose built school for children with special education needs.
- (ii) They oppose built development in Areas of Restraint and on sports field, so the new school should not be built here.
- (ii) The site is in an Area of Restraint in the Warwick District Local Plan and they support policy DAP2 which preserves these areas. This policy does not permit built development which harms the open character of these areas.
- (iii) Policy DP2 does not permit development which will have an unacceptable impact upon the amenity of nearby or future residents. The society find the principle of cutting an access road to a special education needs school through the new residential estate to the north to be highly unsatisfactory for both residents and school users. A small winding road intended to serve residences will have to also serve a school accommodating 150 children and 85 school staff.
- (iv) The local plan also stresses the importance of excellence in design and the enhancement of the built environment. The proposed building has the appearance of an industrial unit which is far from excellent design. The society cannot see what it is intended to refer to or compliment. The large roof bears no reference to anything in the locality and the use of rooflights is quite inexplicable. Why are the staff and children not allowed to look out into the world? The development does not seem to have been designed with wheelchair access in mind and the long corridors with rooms leading off will produce a gloomy institutional sort of place which will not engender a sense of pride in either staff or pupils. It compares very unfavourably with other schools being built across the country using modern design and technology to provide the best possible environment in which children are taught. The society see this of particular importance for children with special education needs. The County Council will be failing these pupils if these proposals are allowed to go ahead.

2.9 Police Architectural Liaison Officer – Advises that boundary treatment should be two metres high, vandal resistant, robust and difficult to scale, incorporating anti climb topping. It should also allow clear natural surveillance. The use of robust defensive planting in conjunction with the fence line can help meet aesthetic (planning) requirements.

### 3. Representations

3.1 Letters received from the residents of:-

211 Myton Road, 278 Myton Road, 36 Myton Crescent and 50 Myton Crescent  
**objecting** to this development on the grounds that:-

- (i) The site is currently used as playing field by Trinity School and is an important green belt the development of which constitutes a departure from the development plan.
- (ii) The fact that the County Council owns this land should not be seen as a driver for the development of the site. It would be far more sensible to put a special education needs annex onto an existing school so that facilities could be shared. Such solutions produce much better education results for SEN pupils.
- (iii) The County own a sports field between Myton Road and the river, development on this land would not intrude into the green belt.
- (iv) The neighbour consultation letter and site notice admits that this application does not accord to the provisions of the development plan in force for this area. This means that the outline planning application granted has been invalidated.
- (v) The scheme has grown from 110 pupils at outline stage to 150 pupils now, a 36% increase. The number of staff has increased from 60 to 85 a 42% increase. This means that:-
  - (a) The building has got larger,
  - (b) The area of car parking has got a lot bigger,
  - (c) The proposal will result in significant extra traffic flows on the Myton Road.
- (vi) Warwickshire County Council would not have had such a good response to the outline application if local residents had realised that the school would be significantly larger than is now proposed.
- (vii) The argument that in traffic terms this school will only replace existing former Trinity school traffic is invalid as virtually no parents delivered their children to Trinity as most pupils arrived by bus.
- (viii) There is no provision for community use as required by Sport England and no provision for changing rooms. Does the latter mean that there is a hidden agenda to build a separate sports pavilion absorbing yet more of the green space?
- (ix) This application has been submitted over the summer with a response date by 12th August when many people were away on holiday.
- (x) It would seem that Warwickshire County Council (WCC) are determined to “steam roller” this application through with no regard for the local population or planning law.
- (xi) The building has the architectural styling of a battery chicken farm with a very long roof peppered by rooflights, quite out of character with the locality.

- (xii) I do not think that the rooflights will produce sufficient daylight and the foyer is too small and could be a safety hazard during a fire.
- (xiii) The new residential development will generate about 430 traffic movements. The SEN school will add some 300 more making 730 movements in total added to the existing heavy flows along the Myton Road. This will cause disaster, complete gridlock. Do not insult our intelligence by stating that the new school will not have any greater impact than Trinity. Most pupils arrived at Trinity by double decker bus with few arriving by parents car, the real offender is Myton School. Also do not use Twigden's traffic figures as they were gathered when the school was on holiday.
- (xiv) The present SEN School Head was reported in the press as saying that it will be traumatic for many of the SEN pupils to be caught up in the Myton Road traffic congestion whilst being driven to school. Many pupils will find this intolerable and a change of school hours must be considered if this site is to go ahead or better an alternative site should be chosen.
- (xv) The break in the tree screen to accommodate the garages is regrettable. They should be resited and a complete screen provided.
- (xvi) The application was submitted illegally in respect of the existing development plan.
- (xvii) The SEN school should be located on the campus of an existing school.
- (xviii) The road system cannot cater from the increased flows from both residential and school development.
- (xix) The plan does not meet Sport England's requirements for public use.
- (xx) The design of the building is flawed with regard to safety, foyer space, window areas, ventilation and appearance.

3.2 One letter has been received from Twigden Homes, the owners and potential developers of the land to the north of the application site stating that:-

- (i) We propose to develop the land to the north but following the District Council's refusal of our two planning applications the matter is now the subject of appeals to the Secretary of State. Until these matters are resolved it is not possible to say which access and layout solution we will be implementing.
- (ii) It is very important that we ensure that there is sufficient car parking within the school site to reduce potential conflict between school and residential traffic.



- (iii) I presume that boundary treatments will be conditioned if approval is granted. We would like to see close boarded fencing to provide security for the school to protect the amenity of residents. Similarly details of the security gates should also be submitted and approved.
- 3.3 We would also expect adequate landscaping to be provided between the school and existing and proposed residential properties.

#### **4. Observations**

- 4.1 In order to determine this application it is necessary to consider seven distinct planning issues and to weigh them against each other to reach a final decision. As they form distinct topic areas they may be examined separately.

##### **Relevant Planning History**

- 4.2 On 28th January 2005 outline planning permission was granted for the construction of a two-storey SEN school on the application site (application No. W817/04CC038 relates). That application was only granted planning permission after the outline application had been treated as a departure from the development plan and referred to the Secretary of State as such. That outline application remains valid and establishes the principle of development on the site.
- 4.3 Although all matters were reserved for subsequent approval at outline planning stage this application closely follows the indicative plans submitted at outline stage.
- 4.4 Before outline planning permission was granted for a new school on this site an outline planning permission had been granted by Warwick District Council for the residential redevelopment of the site to the north containing the existing school buildings. That site has been subsequently purchased by Twigden Homes who have found difficulty in obtaining planning permission for a detailed scheme and have received two refusals of permission for detailed layouts from the District Council, both of which are now the subject of undetermined appeals to the Secretary of State.
- 4.5 It is proposed that the new school would take access through the new housing estate to the Myton Road and Twigden Homes are contractually obliged to provide that access.

##### **Planning Policy Context**

- 4.6 The grant of outline planning permission referred to above establishes the principle of development on this site. However, as the policy context remains a concern to some local residents, the Town Council and the Warwick Society the matter is dealt with below.

- 4.7 Section 54A of the planning Act (now Section 38(6) of the 2004 Planning and Compensation Act). requires that a planning application should be determined in accordance with the provisions of the development plan unless material planning considerations indicate otherwise.
- 4.8 The development plan currently in operation consists of:-
- (i) The West Midlands Regional Spatial Strategy (RSS 11)
  - (iii) The Warwickshire Structure Plan 1996 - 2011 adopted on 20th August 2001, and,
  - (iii) The Warwick District Local Plan adopted on 27th April 1995.
- 4.9 The Revised Deposit Draft Warwick District Local Plan 1996 - 2011 is not an adopted local plan. It therefore does not technically form part of the development plan, although it is of course a material planning consideration which must be taken into account.
- 4.10 This development accords to the provisions of the RSS and accords to the Warwickshire Structure Plan and as there are no site specific planning policies preventing the development of the site within the adopted Warwick District Local Plan. The development therefore also accords to the provisions of the adopted local plan.
- 4.11 In the Revised Deposit Draft Warwick District Local Plan 1996 – 2011 the application site is located in an Area of Restraint where policy DAP2 of the draft local plan prevents the construction of buildings. However the site is not located within an Area of Restraint in the Warwick District Local Plan adopted in April 1995.
- 4.12 Thus the Regulatory Committee must decide which local plan must take precedence, as indeed was the case when the outline application was dealt with. However, when making that decision it must be recognised that the two plans do not have equal weight.
- 4.13 It is an accepted principle in planning law that policies within a deposit draft local plan should be given only limited weight, particularly if they are subject to objections or representations.
- 4.14 Furthermore Circular 7/99 The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 approved by the Secretary of State advises in paragraph 5 that:-

“Where there is an adopted plan and an emerging plan the decision on whether an application is a departure must be considered against the adopted plan.”

- 4.15 Thus in planning terms greater weight should be given to the adopted local plan than to the unadopted draft local plan. The exclusion of this land from the Area of Restraint in the adopted local plan means that there are no “in principle” objections to the development of this site contained within the adopted local plan.
- 4.16 The Deposit Draft Local Plan is a material planning consideration but one which can only be given limited weight as there is an **objection** to the extension of the Area of Restraint designation over this site submitted by the Director of Property Services. In addition the Draft Local Plan contains no specific justification for the extension proposed. Presumably when the Warwick District Local Plan was adopted in 1995 this site was excluded from the Area of Restraint because it was not held to be important to keep this area free from buildings.
- 4.17 As the earlier outline planning application was contrary to the provisions of the Deposit Draft Local Plan and the County Planning Authority had received objections on that basis the Government Office for the West Midlands (GOWN) advised that it would be prudent to treat that application as a departure from the development plan. That was done and outline planning permission was only granted after the application was referred to the Secretary of State who decided not to “call in” the planning application and have the matter considered by an independent inspector at a public inquiry.
- 4.18 In view of the previous decision by Warwickshire County Council to treat the outline application as a departure from the development plan, this application (which is a full submission not a reserved matters application) has also been treated as a departure and if Members resolve to approve this submission it will also be necessary to refer this application to the Secretary of State before any permissions are issued.

### **Design Matters**

- 4.19 Several local residents have expressed concern about the design of the building proposed in particular its rather long roofline and the rather institutional appearance of the structure.
- 4.20 The structure does indeed have an institutional appearance but this reflects the fact that the proposed building is designed to be used as a school and the internal layout of the building and its external appearance have been designed to the needs and specification of the end user. In effect the form of the building reflects its function. This is a well established modern architectural concept.
- 4.21 What the Regulatory Committee must now decide is whether or not this proposal is appropriate to the site and the locality. The correct locations from which to judge this consideration are vantage points in the public domain as the planning system operates solely in the public interest.
- 4.22 The site is not particularly prominent from vantage points in the public domain because it is located behind existing developed frontages and behind a site which has outline consent for residential redevelopment. The new building would be most prominent in the public domain from the end of the new

residential street serving this new estate, otherwise the structure will only be glimpsed from the public domain.

- 4.23 The character of the locality may be summarised as consisting of predominantly modern (20th century) residential properties set in spacious grounds interspersed with rather more institutional buildings (of a variety of ages designs and styles) given over mostly to education uses.
- 4.24 It is considered that the design chosen for this site reflects that character. The school is a relatively large structure but its height has been kept down to 8 metres, with an eaves height of only 3.6 metres. The materials chosen are bricks and tiles, the predominant building materials used in the locality and substantial areas with depths of about 5 metres have been allocated along the northern and western boundaries of the site to soften the impact of the new development and screen it from neighbours.
- 4.25 Given its low height and unobtrusive location it is concluded that the building proposed is acceptable in design terms. Furthermore the internal layout of the development, which is the subject of direct criticism by some local residents, is properly a matter for the applicants and where appropriate the Building Regulations. It is not primarily a matter for the planning system to adjudicate on.

### **Sport and the use of the Playing Fields**

- 4.26 The application site is currently laid out as a school sports field. Development on such land is potentially controversial and is specifically discouraged in PPG17 "Planning for Open Space, Sport and Recreation". However with the closure of the Trinity Catholic Technology College with which these fields were historically associated means that this land effectively became surplus to requirements.
- 4.27 Sport England an essential consultee in such circumstances, indicated that they would not raise objections to the outline application provided the applicants agree to community use of the school playing fields which will serve the new SEN school. The outline application was approved on that basis.
- 4.28 Prior to the submission of this application discussions have taken place between the applicants, Sport England and Warwick District Council's leisure department regarding community use. It has been agreed by these three parties that the pitches at the new school will be the responsibility of the school and will be maintained by them but that they will be made available for public use with a booking system run by the district in conjunction with its running of the Myton Sports Hall. Pitch maintenance will be met from the school budget with the school responsible for the maintenance of site security.
- 4.29 The applicants advise that the sports changing rooms can be accessed separately from the rest of the school and that they have been designed to meet Sport England's requirements. They further state that they are significantly larger than the SEN school requires for its own use.

- 4.30 Sport England's comments are still awaited. However, given the discussions which have already taken place, it is not anticipated that they will have significant **objections** to this proposal.

### **Traffic and Highway Safety**

- 4.31 Representations have been received from local residents strongly expressing the view that this proposal will result in an unacceptable increase in traffic in the locality, particularly on the Myton Road resulting in detriment to the safety and convenience of users of the public highway and further detriment to the amenities enjoyed by the residents of the locality.
- 4.32 Some local residents expressed these concerns when the outline application was considered but have legitimately restated them as the project has become larger since outline consent was granted.
- 4.33 It must be acknowledged that Myton Road is very congested at peak times and that this proposal will add to that congestion. However this fact does not automatically mean that this proposal is unacceptable. The access to the site is not inherently dangerous and has been designed to modern vision and geometry standards. In addition the redevelopment of the former Catholic school for housing will result in a net reduction in traffic movements from the site which means that the traffic generated by the new housing and the new school will approximately "balance" the traffic generated by the former Catholic school.
- 4.34 From the evidence available to date it is concluded that this development would have an acceptable impact on highway safety.

### **Impact on Neighbour Amenities**

- 4.35 The impact which this proposal will have upon neighbour amenities is a material planning consideration. These impacts may be divided into three broad categories:-

#### **(i) The Impact of Buildings and Structures**

- (a) The proposed school buildings would be located at a minimum of 42 metres away from the nearest properties in Myton Crescent. This is significantly in excess of the 22 metre distance usually used as a spacing distance for two-storey buildings by the planning system. In addition there are intervening trees and vegetation which will screen the residential properties from the school buildings. At 26 – 28 metres distance the new Twigden Homes dwellings would be much closer but still within acceptable spacing distances.
- (b) The new school would be located only some 13 metres to the north of the boundary of a smallholding called Brook Farm. This property is, however, screened by tall trees and hedges which will greatly reduce the impact of the new development upon that property.

- (c) The upper floors of the school building would be lit by rooflights located at high level to minimise overlook to neighbours. A window located in the west gable end has been designed to minimise direct overlook to neighbours through being angled to look in a southern direction.
- (d) Thus the new school will not unacceptably crowd in or overlook its neighbours.
- (e) The proposed garage building would be located close to the western boundary of the site but is set 7 metres in from the boundary and is located 32 metres away from the rear elevation of the most affected property 42 Myton Crescent. As a single storey building this structure would have, in planning terms, a broadly acceptable impact.

**(ii) The Impact of Traffic and Servicing**

- (a) Traffic generated by this activity will have an impact upon local amenity. This impact will include noise and light from vehicles brought onto the site and from vehicles using the public highway network. In the case of the former this effect will be significant for limited times of the day and the impact can be reduced by the new planting proposed to levels which are on balance acceptable.
- (b) The impact that traffic congestion has upon local residential amenities is also a material planning consideration. However, to justify withholding consent on this basis it would be necessary to demonstrate that the degree of extra congestion generated by this consent, over and above that generated by the outline consent already issued, will produce an unacceptable impact upon local amenity.
- (c) With regard to neighbour impact this will be significant within the Twigden Homes estate but given the large volumes of traffic currently using the Myton Road is not considered to be statistically significant on the wider highway network. With regard to the impact on the new Twigden Homes the developer has concluded that this effect is acceptable and the firms individual customers must also make an individual judgement on the matter. In planning terms it is not unusual for a school to be served through residential streets and thus this impact would not be significantly different to other situations which occur across the County.

**(iii) The Impact of Ancillary Development on the Site**

- (a) Lighting, fencing and play areas may have a significant impact on neighbours but these impacts can be controlled by conditions controlling the height design and location of these features to render their impact acceptable.

## **Other Material Planning Considerations**

- 4.36 The education needs of the local population are material planning considerations which must be taken into account when considering this planning application. The Education Department advise that they are required to significantly upgrade SEN school provision with
- 4.37 in the central area of the County to serve the towns of Leamington and Warwick and the surrounding district. A suitable site which meets the Department for Education and Skills (DfES) criteria has proven very difficult to find and the Education Department have decided that this site best serves their needs and this school has been designed to meet their specific requirements.

## **5. Conclusions**

- 5.1 There remains a concern locally that this development is contrary to local plan policies which operate in the locality. Whilst the development is contrary to policy DAP2 in the Revised Deposit Draft Warwick District Local Plan it is not contrary to the provisions of the adopted Warwick District Local Plan and planning law indicates that it is the latter document which should be given greater weight. Referral of this application to the Secretary of State will, however, introduce independent adjudication into this matter.
- 5.2 The grant of outline planning permission in January 2005 establishes the principle of development on this site. The details of the scheme are, however, legitimate matters for consideration
- 5.3 The applicants have been looking for a site for a new central area SEN school for nearly six years. This is the most suitable site to be found, from an educational point of view, and the school building has been designed to meet their specific needs. These facts are material planning considerations.
- 5.4 In determining this application the County Planning Authority must decide whether or not the design solution proposed for this scheme is acceptable and whether or not the impact of the development upon the upon the locality is acceptable having regard to the outline permission already granted.
- 5.5 For the reasons already detailed in this report it is concluded that the design solution proposed is considered to be acceptable and that the impact upon the locality resulting from this development is, on balance, considered to be acceptable.

## **6. Environmental Implications**

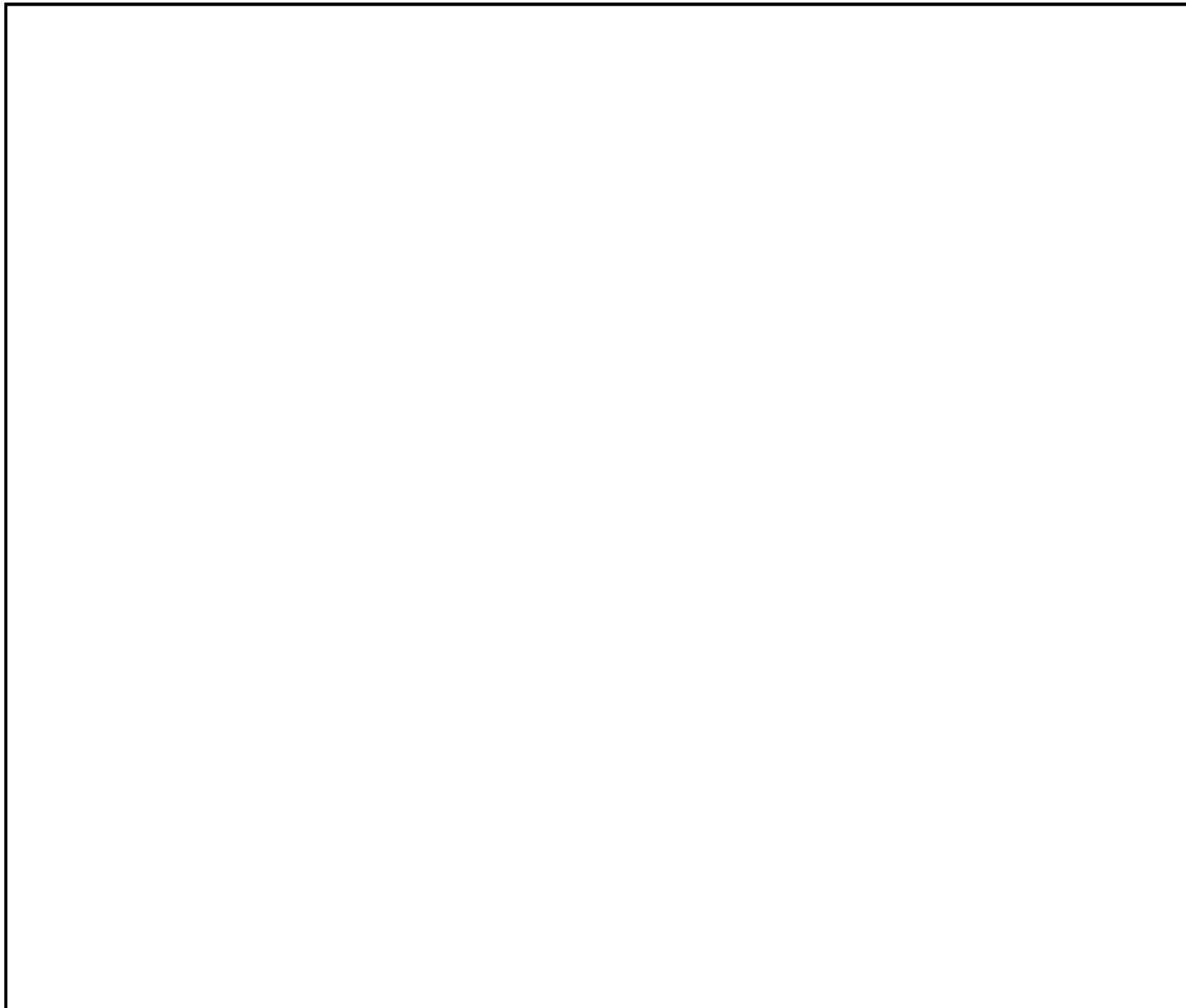
- 6.1 The development would result in the loss of a small area of undeveloped land to the south of the town of Warwick which is of limited ecological value. Only a small number of trees will be adversely affected by the development and new trees will be planted to minimise the landscape and neighbour impact of the development. Some extra traffic congestion will occur on Myton Road and residents in the area will suffer some extra adverse impact due to the traffic movements to and from the new school. However, it is considered that this impact is not so adverse as to justify withholding planning permission.

JOHN DEEGAN  
Director of Planning, Transport and Economic Strategy  
Shire Hall  
Warwick

16th September 2005



## APPENDIX A OF AGENDA NO.





Scale 1: 4000

Ref No. W817/05CC021

Drawn Ian Grace

Regulatory Committee 27th September 2005



Subject

**The Trinity Catholic Technology College - Proposed School**

John Deegan  
Director of Planning, Transport  
and Economic Strategy  
Shire Hall, Warwick, CV34 4SX

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**Regulatory Committee – 27th September 2005**

**Construction of a Two-Storey Special Educational Needs (SEN) School plus Associated Parking and Hard Play Areas on Land to the South of the Former Trinity Catholic Technology College, Myton Road, Warwick**

**Application Number W817/05CC021**

**Commencement Date**

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

**Pre - Commencement**

2. The development hereby permitted shall not be carried out other than in accordance with the submitted application ref; W817/ 05CC021 and the accompanying plans, 312-01 A, 312-02 P, 312-03 J, 312-17 and 313-29 and with any details approved in accordance with these conditions.
3. 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 noting plant locations, species, sizes and proposed numbers and densities where appropriate.
4. The development hereby permitted shall not be commenced until a schedule of all external finish materials, to be used on the exterior of the buildings hereby approved have 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.
5. The development hereby permitted shall not be commenced until full construction details of the new car parking areas and access roads within the site have 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 detail.
6. The development hereby permitted shall not be commenced until full design details of all new fencing and railings to be erected on the site as part of this development have 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 details.

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

### **General Operations**

8. The landscaping scheme approved pursuant to Condition 3 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 trees or shrubs planted as part of the landscape scheme, die, be removed become damaged or seriously diseased within five years of the initial planting they shall be replaced in the next planting season with others of a similar size and species.
9. Prior to the first use of the new school, the car park and service roads shall be laid out surfaced drained and marked out in fully accordance with the scheme approved pursuant to Condition 5 of this consent.
10. The development hereby permitted shall not be occupied until a school travel plan has been submitted and approved in writing by the County Planning Authority and upon occupation of the premises the school travel plan shall be implemented in accordance with the approved scheme.
11. The development hereby approved shall not be occupied until a suitable means of access has been created to the public highway in accordance with a scheme which shall have been first submitted to and approved by the County Planning Authority.
12. Prior to the occupation of the premises a scheme for the long term community use of the playing fields and changing facilities shall be submitted to and be approved in writing by the County Planning Authority in consultation with Sport England. The scheme shall include details of sports facilities available, access and parking arrangements, pricing policy, hours of use, management and maintenance. The scheme for community use shall then be implemented upon commencement of the use of the school.
13. Prior to the first use of use the school buildings the playing fields shall be laid out and the changing facilities constructed in accordance with the approved scheme for community use. The pitches shall (unless otherwise agreed) have been constructed to a standard that meets the recommendations of Sport England as set out in the publication "Natural turf for Sport". The sports facilities shall thereafter be maintained in accordance with the approved maintenance schedule and the Community Use Agreement.
14. Prior to the installation of the water sprinkler control system in the minibus garage the building shall be acoustically insulated to reduce noise emissions from the building during the operation and testing of the water sprinkler system,

all in accordance with a scheme which shall be first submitted to and approved by the County Planning Authority before its installation in the building.

15. Prior to their installation on site as part of this development full design details of any lighting to be installed on the exterior of the buildings or in the car parks or grounds of the new school shall be submitted to and approved by the County Planning Authority and the development shall then be carried out in accordance with the said approved details.

### **Tree Protection Conditions**

16. No development shall take place on site until the trees identified to be retained on the landscape plan submitted in pursuance of condition 3 of this consent have been protected by fencing and enclosures, full design details of which shall have first been submitted to and approved by the County Planning Authority prior to their installation on site and the approved tree protection scheme shall be retained in situ and in the approved form for the duration of construction work.
17. No storage of materials, chemicals, fuel, machinery, the lighting of fires nor the movement of vehicles shall take place under the canopies of the trees referred to in condition 16 of this consent.
18. There shall be no alterations to natural ground levels underneath the canopies of the trees referred to in condition 16 of this consent.
19. Should any excavation be necessary under the canopy of the trees referred to in condition 16 of this consent tree protection measures must be submitted to and be approved in writing by the County Planning Authority prior to the carrying out of any such excavations and all works must be carried out in accordance with the agreed scheme. In such circumstances any excavation should be by hand.

### **Reasons**

1. To comply with section 91 of the Town and Country Planning Act 1990 (as amended).
2. To ensure development is carried out in accordance with the planning permission hereby granted.
3. In order to ensure the satisfactory appearance of the completed development.
4. In order to ensure the satisfactory appearance of the completed development.
5. In order to ensure the satisfactory appearance of the completed development and to ensure that satisfactory arrangements are made for servicing the site.
6. In order to ensure the satisfactory appearance of the completed development.
7. In order to ensure that the development makes appropriate arrangements for the disposal of sewage and surface water from the site.
8. In order to ensure the satisfactory appearance of the completed development.
9. In order to ensure that satisfactory arrangements are made for servicing the site.
10. In the interests of highway safety and to minimise the impact which the development will have upon the locality.
11. In the interests of highway safety and to minimise the impact which the

- development will have upon the locality.
12. In order to compensate for the area of sports field lost.
  13. In order to ensure that the new sports provision made is of an acceptable standard.
  14. In order to protect nearby residential properties from unacceptable levels of intrusive noise.
  15. In order to ensure the satisfactory appearance of the completed development and to minimise the amount of light pollution affecting the locality.
  16. In order to protect trees on the site which are of amenity value.
  17. In order to protect trees on the site which are of amenity value.
  18. In order to protect trees on the site which are of amenity value.
  19. In order to protect trees on the site which are of amenity value.

### **Development Plan Policies Relevant to this Decision**

The Regional Spatial Strategy and Warwickshire Structure Plan – Policies GD.3, GD.4 GD.5 and ER.6

The Adopted Warwick District Local Plan – Policies ENV3 and RL4

The First Deposit Draft Warwick District Local Plan – Policies DAP2 and SC6

### **Reasons for the Decision to Grant Permission**

The development hereby permitted is in accordance with the relevant provisions of the Regional Spatial Strategy, The Structure Plan and the adopted Warwick District Local Plan and there are strong material planning considerations in favour of approval. Although this development is contrary to policy DAP2 of the First Deposit Draft of the Warwick District Local Plan published in November 2003 this policy does not hold sufficient weight as a material planning consideration to justify withholding permission. Furthermore there are no other material planning considerations which would, either in their own right or cumulating, justify withholding permission for 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.