

# Regulatory Committee

Date: Tuesday 8 June 2021  
Time: 10.30 am  
Venue: Shire Hall, Warwick - Shire Hall

## Membership

Councillor John Cooke (Chair)  
Councillor Jill Simpson-Vince (Vice-Chair)  
Councillor Kate Rolfe  
Councillor Adrian Warwick  
Councillor Jeff Clarke  
Councillor Sarah Feeney  
Councillor Dave Humphreys  
Councillor Jack Kennaugh  
Councillor Justin Kerridge  
Councillor Jan Matecki  
Councillor Chris Mills  
Councillor Richard Spencer

Items on the agenda: -

## 1. General

### (1) Apologies

To receive any apologies from Members of the Committee.

### (2) Disclosures of Pecuniary and Non-Pecuniary Interests

### (3) Minutes of the Previous Meeting 5 - 8

## 2. Delegated Decisions 9 - 10

Members are asked to note the applications dealt with under delegated powers since the last meeting.

## Planning Applications

## 3. Planning Application : SDC/20CM009 - Edgehill Quarry, Edgehill 11 - 82

Documents in relation to this application can be found via the following link –

[SDC/20CM0009](#)

**4. Planning Application : NBB/21CC004** 83 - 108

Documents in relation to this application can be found via the following link –

[NBB/21CC004](#)

**5. Planning Application WDC/21CC002 - Proposed installation of replacement Air Handling Unit and associated ductwork and extension to screen cladding at Milverton School, Greatheed Road, Leamington Spa, CV32 6ES.** 109 - 122

Documents in relation to this application can be found via the following link –

[WDC/21CC002](#)

**6. Planning application WDC21CC003 Erection of a two-storey Sixth Form Centre, re-cladding and re-roofing of existing sports hall, provision of a new MUGA and other enabling works at Champion School, Sydenham Drive, Leamington Spa, CV31 1QH** 123 - 162

Documents in relation to this application can be found via the following link –

[WDC/21CC003](#)

**7. Discharge of Condition for Planning application NWB/19CC006 High Meadow School, Coleshill - 4 classroom extension - Green Travel Plan** 163 - 168

Documents in relation to this application can be found via the following link –

[NWB/19CC006](#)

**Monica Fogarty**  
Chief Executive  
Warwickshire County Council  
Shire Hall, Warwick

## Disclaimers

### Webcasting and permission to be filmed

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### Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. Any changes to matters registered or new matters that require to be registered must be notified to the Monitoring Officer as soon as practicable after they arise.

A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests relevant to the agenda should be declared at the commencement of the meeting.

The public reports referred to are available on the Warwickshire Web <https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

### Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

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# Regulatory Committee

Tuesday 6 April 2021

## Minutes

### Attendance

#### Committee Members

Councillor Mark Cargill (Chair)  
Councillor Neil Dirveiks (Vice-Chair)  
Councillor John Cooke  
Councillor Anne Parry  
Councillor Caroline Phillips  
Councillor David Reilly  
Councillor Clive Rickhards  
Councillor Kate Rolfe  
Councillor Jill Simpson-Vince  
Councillor Adrian Warwick  
Councillor Chris Williams

#### Officers

Helen Barnsley, Democratic Services Officer  
Ian Marriott, Legal Service Manager  
Sally Panayi, Senior Planning Officer  
Matthew Williams, Senior Planning Officer  
Paul Wilcox, Senior Planner

### 1. General

#### (1) Apologies

There were no apologies received.

#### (2) Disclosures of Pecuniary and Non-Pecuniary Interests.

None

#### (3) Minutes of the Previous Meeting

The minutes of the previous meeting were agreed as a true and accurate record. There were no matters arising.

## 2. Delegated Decisions

The Committee noted the delegated decisions made by officers since the last meeting as presented in the report.

## 3. RBC/20CM010 - Wolston Field Farm Quarry

Paul Wilcox, Senior Planner (Contractor), presented the report to the Committee in relation to the proposed erection and operation of a sand and gravel processing plant and weighbridge at Wolston Fields Quarry.

The following points were highlighted to the Committee –

- The nearest property is 400 meters from the proposed site.
- The Committee was shown a plan with the existing site with the proposed area for the processing plant also highlighted. The proposed site is within the current site.
- The routing plans between Bubbenhall Quarry and Wolston field were shown to the Committee with confirmation that the routing arrangement (avoiding Wolston and Ryton on Dunsmore) is part of the permission requested today.
- The detailed plan for the proposal includes a screening bund and a surface area lorry turning point. The surrounding hedge is approximately 8m-10m high which will offer some protection to the view.
- New regulations mean that the council must now consider the impact of proposals on nearby habitat and rivers; in this case, the impact on the river Avon as the site will be hydraulically connected to the seven estuary.
- There is a potential for silt to travel into the river Avon and reduce water quality which will then have a detrimental effect on the wildlife in the river. The Council has taken a precautionary approach and carried out an assessment. The conclusion is that the silting arrangement in place is well controlled and designed and there is minimal likelihood of having an impact on the river.
- In addition, an additional void has been made available on site to accommodate emergency water capacity if needed, although very unlikely.
- The Committee noted the restoration plan which includes a water area, and an area which will be returned to an agricultural site for a horse paddock.
- The area for the proposed processing plant is in a green belt area but there are very special circumstances which would permit the application to go ahead.

Councillor Kate Rolfe requested clarification on the potential for reduction of oxygen to the fish in the river Avon. Paul Wilcox confirmed that an assessment was carried out on the worst-case scenario. The result was that contamination is unlikely.

Councillor Dave Reilly asked for information in relation to restoration and it was confirmed that none of the proposals are subject to infilling. No materials will be bought in to change any of the levels on site. Soils from the bund would be used to restore the site. It was confirmed that the restoration period is due to start in summer 2024.

Following a question from Councillor Chris Williams, it was confirmed that there was a wheel washers on site in addition to a road sweeper to keep the site clear.

## DEBATE

The Chair noted that the Committee had received a very thorough report from Paul Wilcox. It is a green belt site and members must assess the impact on the greenbelt. Harm will happen but given all the circumstances and the conditions, this is a reasonable application. There have been no complaints about the operator.

Councillor Jill Simpson-Vince added that Smiths are known to be a good company; they respond quickly to any issues. It is an excellent report full of detail and this has been reflected in the relatively low number of objections. All issues raised in the report have been addressed.

The recommendation was proposed by Councillor Jill Simpson-Vince and was seconded by Councillor Mark Cargill.

A vote was held, and the Committee voted unanimously in favour of the recommendation.

## Resolved

That the Regulatory Committee authorises the grant of planning permission for the proposed erection and operation of a sand and gravel processing plant and weighbridge with associated silting facilities subject to the signing of a Deed of Variation to the existing S106 and to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

## 4. Any Other Business

The Chair announced the end of the meeting and that it was his last regulatory as Chair. He wished a big thank you to be noted to the team who have supported him in my role as Chair including Helen Barnsley, Democratic Services Officer; Matthew Williams, Senior Planning Officer; Sally Panayi, Senior Planning Officer and Ian Marriott, Legal Service Manager.

The Chair noted that it has been a very interesting year for all the members of the Committee and that included the use of a drone for a site visit. There have been tough applications; some complex and some emotional, but the Committee has always been fair and acted without prejudice. It has been a pleasure to work with you all as members of this Committee.

Good luck to those members standing again for re-election; and for those members not standing again – enjoy your retirement.

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## Regulatory Committee – 8 June 2021

### Applications Dealt with Under Delegated Powers between 14th April 2021 – 27th May 2021

#### Recommendation

That the Regulatory Committee notes the content of the report

#### Delegated Powers

<b>C. APPLICATIONS DEALT WITH UNDER DELEGATED POWERS BETWEEN 14<sup>th</sup> Apr 2021 – 27<sup>th</sup> May 2021</b>		
<b>Application reference &amp; valid date electoral division case officer</b>	<b>Site location &amp; proposal</b>	<b>Decision date</b>
<b><u>RBC/21CM001/SP</u></b> 08/01/2021  <b>Earl Craven</b>	<b>Ling Hall Quarry Landfill Site Coalpit Lane Lawford Heath Rugby</b> Section 73 application for the variation of conditions 2, 3, 6, 8, 10, 11, 14 and 16 of planning permission RBC/14CM029 for the installation of a frame mounted solar PV (panels) scheme, to allow implementation of the development in 3 phases and for an extension to the permitted time period until 31st March 2052 on land at Ling Hall Landfill, Coalpit Lane, Rugby	<b>Approval 14/04/2021</b>
<b><u>WDC/19CM024/SP</u></b> 11/12/2019  <b>Cubbington &amp; Leek Wootton</b>	<b>Bubbenhall Pit Glebe Farm Landfill Weston Lane Bubbenhall</b> Retention of existing concrete pad and internal access road until the cessation of landfill operations. (Variation of Condition no. 22 attached to WDC/14CM030)	<b>Approval 06/05/2021</b>

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**Regulatory Committee – 08 June 2021**

**Edgehill Quarry, Edgehill**

**Infilling of Redundant Quarry to include Temporary  
Aggregates Recycling Facility and Restoration to  
provide 10 Recreational EcoPods**

**SDC/20CM009**

Application No.: SDC/20CM009

Advertised date: 18 June 2020

Applicant Mr Andrew Baughan  
Boddington Demolition Ltd  
Oak Farm  
Priors Hardwick Road  
Upper Boddington  
Daventry  
NN1 6DW

Agent Mr Stephen Rice  
SBRice Ltd  
Treat  
Trewartha Road  
Praa Sands  
Penzance  
TR20 9ST

Registered by: The Strategic Director for Communities on 18 June 2020

Proposal: Infilling of Redundant Quarry with Inert Soils and Clays  
to include Temporary Soils and Aggregates Recycling  
and Recovery Facility and Restoration of the Quarry to  
provide 10 No. Recreational EcoPods

Site & location: Edgehill Quarry, Edgehill, Banbury, OX15 6DH.  
  
[Grid ref: 437128.246922].

**See plan in Appendix A**

## **Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the Infilling of Redundant Quarry with Inert Soils and Clays to include Temporary Soils and Aggregates Recycling and Recovery Facility and Restoration of the Quarry to provide 10 No. Recreational EcoPods subject to a legal agreement controlling vehicle routing and to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

### **1. Application Details**

- 1.1 This application relates to Edgehill Quarry a former iron stone quarry, which extends to approximately 7.8 hectares, located in the village of Edgehill.
- 1.2 The application is a two-part scheme that initially involves; the infilling of the quarry void, incorporating recycling of imported inert material; followed by a subsequent restoration scheme that includes habitat creation and 10 EcoPods for holiday let/recreational use.
- 1.3 The development proposes the infilling and restoration of Edgehill Quarry with inert soils and clays. The proposed development would include a temporary Soils and Aggregates Recycling and Recovery Facility (SARF) to be operated on site for the duration of the infilling operation.
- 1.4 The site would be restored to previous ground levels that existed prior to quarrying activities taking place across the site to blend into adjoining ground levels. Restoration of the site would be to a mix of nature conservation/ecological benefit whilst also combining 10 Recreational EcoPods and associated infrastructure. The EcoPods have been designed to provide high quality sustainable short-term occupation for holiday makers and tourists.
- 1.5 The application as originally submitted included four affordable dwellings as part of the restoration and after use of the site. Following the receipt of initial consultation responses, and discussions with consultees (Stratford on Avon District Council and Ratley and Upton Parish Council), the four affordable dwellings and associated vehicular access and infrastructure were subsequently removed from the proposal, so no longer form part of the application for consideration.
- 1.6 Infilling of the quarry with inert soils and clays would be carried out over a period of 12 years.
- 1.7 Around 350,000m<sup>3</sup> of inert soils and clays would be required to infill the void left by mineral extraction to restore the quarry back to near its pre-quarry ground levels. Infilling of the site would be carried out in four phases, principally working from north to south across the site.

- 1.8 The proposed Soils and Aggregate Recycling and Recovery Facility (SARF) would be located at the southern end of the quarry void and would operate for the duration of the infilling operation. The application states that the SARF is required in order to secure sufficient inert waste clays and soil to complete the infilling operation. The SARF would process construction and demolition waste over a period of twelve years. The imported material is likely to include not only waste soils and clays but also aggregates including concrete, stones, rubble, etc. The processing plant would separate these materials enabling recycled aggregates to be produced. The application states that, the inert waste would be collected from demolition and construction sites within the immediate locality, with the intention to source as much of the material as possible from within the Area of Outstanding Natural Beauty. Some of the recycled materials would be exported from site to be reused elsewhere within the construction industry. The applicant estimates that around 20% of material brought to site would be recycled and exported elsewhere. It is anticipated that the SARF would accept 42,500 tonnes of inert demolition and construction waste per annum (a total of 510,000 tonnes over the 12 years). The remaining clays and soils, which have no further use, would be placed within the quarry void to raise the level back to pre-quarrying ground levels. Following completion of the infilling activity, the SARF would be removed from site.
- 1.9 Initial site set up would involve development of the Soils and Aggregates Recycling and Recovery Facility (SARF). This would be a compound area measuring approximately 100 metres by 100 metres sited on the base of the quarry void surrounded by a 7-metre-high earth bund, which would act as a noise mitigation feature. At this initial stage the existing site access would be widened and reconstructed. The highway access and internal access road would be surfaced with concrete or tarmac. Located within the SARF would be processing plant and equipment (including, screeners, graders, picking tables and a crusher), a weighbridge, a wheel wash, storage bays, single storey welfare facilities and office and parking area for HGV's and staff cars.
- 1.10 Infilling of the quarry void would commence (Phase 1) at the southern end of the site leaving a 2.5-metre-wide gap between the existing quarry face and deposited materials, in effect creating a sloped embankment. This is in order to retain the rock face in the long term and to replicate existing overburden stockpiles to provide suitable habitat for invertebrates. Infilling of the quarry void would then move to the northern end of the site (Phase 2), working gradually in a southerly direction to around the midpoint of the site. Phase 3 of the development would involve infilling the void between Phases 1 and 2, working south to north across the site. The final stage (Phase 4) would involve removal of the SARF and infilling and restoration of this area of the site.

- 1.11 Operation of the SARF and infilling operation would provide employment for five fulltime members of staff.
- 1.12 Access into the site by HGVs associated with infilling of the site and operation of the SARF would be via the existing vehicular site access off the C69 Edgehill Lane. The site access would be reconstructed and improved. Vehicles associated with the infilling and recycling operation would tend to be eight-wheeled bulk tipper HGVs or vehicles carrying skips. Some vehicles would operate on a back-haul basis delivering inert waste and leaving the site with recycled aggregates.
- 1.13 Operation of the SARF and infilling operation would generate a maximum of 11 HGVs (22 vehicle movements) accessing the site per day.
- 1.14 The applicant states that vehicles delivering waste to the site would be instructed to approach from the south by turning off the A422 onto the C69 Edgehill Lane. All vehicles leaving the site would be instructed to turn left out of the site towards the A422 via Edgehill Lane. Thus, avoiding travelling through the village of Edgehill. The application anticipates that any planning permission granted would be subject to a Section 106 Legal Agreement controlling vehicle routing and movements.
- 1.15 It is proposed that the SARF and infilling operation would operate 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays with no operations on Sundays and Bank Holidays.
- 1.16 Following infilling of the void with inert material, the proposed restoration would include the construction of a small recreational development comprising 10 EcoPods for short term holiday let. The remainder of the restored area would be planted with a landscaping scheme which has been designed to screen the proposed development and deliver significant biodiversity enhancement. This would include a pedestrian site access at the north-eastern corner of the site and an internal footpath linking the 10 EcoPods to the proposed pedestrian site access at the north-eastern corner of the site. The Applicants also propose to construct a new public footway from the eastern access from the site into the village to link up with existing public footways/pavements within the village of Edgehill. The restored site would include numerous new water bodies, wetland features, substantial tree planting, woodland creation, scrub and landscaping.
- 1.17 Construction of the EcoPods would not commence until the majority of the third stage of infilling is complete which is likely to be between years 8-10. The EcoPods would be based on a caravan type construction, although would be a cabin style in appearance, built on a subframe with wheels having legs at all four corners that would be wound down to stabilise the Pod. Each EcoPod would stand on its own concrete pad and would not be physically attached to the ground.

Each of the 10 EcoPods would have one dedicated parking space in an area alongside the internal access road and lockable bike stands for two cycles next to their Pods. A further 2 parking spaces would be provided for employees/visitors to the site. Access to the restored site and EcoPods in the long term would be via the existing improved vehicular access off the C69 Edgehill Lane used for the SARF and infilling operations. Once the development is complete, the site would need to be managed and this would provide one full time job for a site manager who would be responsible for maintaining the site and managing the 10 EcoPods for holiday let use. Once in use it is envisaged the EcoPods would generate an average of 23 vehicle movements per day.

- 1.18 The application states that the built development element (EcoPods and associated infrastructure) of the restoration proposals comprises no more than 4% of the restored area. Therefore, 96% of the restored area would be set aside for biodiversity and landscape planting providing new habitat creation & ecological enhancement.
- 1.19 The application is a resubmission of a previous application (SDC/19CM023) which was withdrawn in March 2020. Planning application SDC/19CM023 also proposed the infilling of the quarry with inert spoils and operation of a temporary demolition and construction waste recycling facility. The restoration proposals submitted with application SDC/19CM023 proposed a mix of 29 residential park homes, six recreational EcoPods as well as nature conservation/biodiversity enhancements.
- 1.20 The key changes from this original planning application (SDC/19CM023) to the current proposals (SDC/20CM009) are; removal of the 29 park homes proposed, the provision of four conventional dwellings for affordable rented use (now also removed from this current application), an increase in the number of EcoPods from 6 to 10, and the total projected volume of inert soils and clays required for infilling and restoration of the quarry void reduced from 400,000m<sup>3</sup> down to 350,000m<sup>3</sup>. In addition, the timescale for the development has increased from 6 years to 12 years. As a result, the tonnage of material to be imported to the site per annum has reduced from 97,500 tonnes per annum to 42,500 tonnes per annum.
- 1.21 Detail of the backfilling of the quarry void and operation of the SARF would be regulated by an Environmental Permit, under the Environmental Permitting (England & Wales) Regulations 2016, administered by the Environment Agency. The applicant/site operator would need to apply to the Environment Agency for the appropriate Permit(s) to allow for the operation of the soils and aggregate recycling facility and the placement of the waste soils and clays within the quarry void. This would set out in detail the types of waste that would be accepted on site and how the site would operate.

- 1.22 Prior to submitting the first planning application the applicant met with Ratley and Upton Parish Council to discuss the proposals and also held a public consultation with the local community to present the proposals and obtain feedback on the infill and restoration scheme.

## 2. Consultation

- 2.1 **Stratford-on-Avon District Council (Plg)** – based on the amended details and the removal of the proposed dwellings, the District Council withdraws its previous objection to the proposals subject to the imposition of conditions with regards to the EcoPods. This includes; siting, layout, number, landscaping and controls upon external lighting.

**The District Council's initial response to the application**, when it included four dwellings for affordable rent, was one of objection to the proposed development due to significant conflict with both local and national policy. These objections focused primarily on the affordable dwelling element of the proposals and can be summarised as:

- the site does not fall within or adjacent to a settlement;
- it is not a community led/supported scheme;
- concerns over deliverability and suitability of any scheme given that the dwellings would not be constructed for up to 12 years, by which time, a multitude of changes could have occurred in terms of the local area, policy and the need for such dwellings;
- do not consider that the proposal falls within any of the residential categories of development considered to be acceptable in a countryside location;
- there are little to no facilities within acceptable walking distances, notwithstanding the lack of any footpaths for safe and convenient walking, and therefore the development would be completely reliant on private vehicles trips to undertake simple day-to-day activities; and,
- the design and layout of the dwellings would be extremely poor with little to no consideration as to the context or how they would lie within the site

Given the above, this element of the proposals is considered contrary to Policies CS.15 and AS.10 of the Core Strategy and unacceptable in principle. The development would also fail to achieve the minimum design standards as set out within Policy CS.9 and CS.15 of the Core Strategy, Parts D and E of the Developments Requirements SPD, as well as the NPPF and the National Design Guide.

- 2.2 **Stratford-on-Avon District Council (EHO)** – the proposed development is likely to require a permit from the Environment Agency and the applicant is advised to contact them directly regarding their permitting requirements.



The site already has noise limit conditions drafted for the current activity on site. The report included shows that the limits can be met with the activities proposed by this application. Central government planning practice guidance dictates the limits that should apply to minerals activities and associated activities such as aggregate recycling. Taking into account this guidance and the fact that there are existing mineral activities and limits on the site, I have no objection in principle. Due to the increased length of time that this operation is proposed to take place, I consider that it would be prudent to apply conditions relating to the noise monitoring of the site.

I have read the submitted dust report - I have no objection subject to the imposition of conditions to control dust.

- 2.3 **Ratley & Upton Parish Council** – RUPC objected to the application but now the four affordable homes have been removed our objection is even stronger.

With the original application there was, at least, some end benefit to the proposal but without the end result of much needed affordable housing in the community the parishioners are now being asked to put up with 10 – 12 years of noise, dust, light pollution and road chaos for no end benefit.

**The Parish Council's initial response to the application**, when it included four dwellings for affordable rent, was as follows:

Following consultation with the parishioners of Ratley and Upton, Ratley and Upton Parish Council wish to object to the Edgehill Quarry application No. SDC/20CM009 on the following planning grounds:

**1. Lorry movement:**

A dramatic increase in the number of lorries using the 'main' road on the Western side of the site (sometimes incorrectly referred to as Grange Lane) will serve to significantly increase risks associated with road use by pedestrians, cyclists and horse riders. The residents of Edgehill in particular, who are closest to the proposed development, believe this will be to an unacceptable level and cause additional and excessive wear and tear to the already potholed road surface.

Whilst the overall projected number of lorry movements per day may not appear to be excessive on paper, there is great concern that there will be no safeguards put in place to prevent these numbers being regularly exceeded, but more importantly, that there are no apparent proposals to ensure that vehicles accessing and egressing the site do so between the site entrance and the A422 Banbury to Stratford Road to the South, rather than in the opposite direction via the narrow, and often restricted (by parked vehicles) road through Edgehill towards Ratley. There have been lower level works continuing on the site for many years and, despite very many complaints being made to planning

authorities and the Police, no action has been taken to prevent this unauthorised road use.

Crucially, there is nothing in the application that would suggest anything other than the current road use contraventions continuing but at a far greater volume. Whilst we were told in a recent Parish Council meeting that the intention of the developers was to use their own fleet of vehicles/drivers, he could not rule out contractors or sub-contractors being used at some point during the duration of the development, thus adding to lack of control over traffic movements.

## **2. Working Hours**

Working hours are excessive, given that this operation will continue for many years, unabated.

There is also no indication of what measures will be put in place to ensure that the stated working hours will be adhered to and not be exceeded and importantly how this will be monitored. We believe that it is most likely that there will be no effective restrictions to the hours that operators can access the site, especially as there will be provision for lighting. At worst, residents fear this could potentially become a 24-hour operation. Operating hours during 2017 on the same site by the same operator frequently started very early in the morning and into the evening hours causing intrusive background noise for residents (see below further points on noise). There is no reassurance within the application as to exactly how these working hours will be effectively policed, resourced and monitored, so residents believe the onus will effectively fall to them. This would be entirely unacceptable. The operation on Saturday mornings is also seen by many as excessively intrusive in what is a local beauty spot which is popular with locals and tourists to a peaceful part of the Area of Outstanding Natural Beauty.

## **3. Pollution**

3.1 Noise. Given that the quarry is situated in an area of low ambient noise, a small increase in noise levels will have a dramatic effect. The residents close to the quarry site have first-hand experience of excessive and chronic noise being generated from that site in the recent past (the spring/summer of 2017). Although the fundamental problem was reportedly due to a failing component on a stone crusher, it took many weeks of suffering and complaints before the Operator addressed the problem by replacing a bearing. The Operator presumably knew what the problem was but chose not to proactively address it themselves without the need for Environmental Health prompting action. This sheds understandable concern with residents regarding the ability of the Operator to carry out swift, responsive and effective self-monitoring.

The Parish Council are unconvinced by the effectiveness of the measures being proposed for noise abatement purposes but more

importantly are concerned about the on-site monitoring and that if/when these measures fail to reduce noise to an acceptable level, what could be done to enforce further, more effective measures – we suspect very little.

3.2 Dust. Local residents are already well aware of the effect that the current operation has with regard to dust generation and the prevailing SW wind direction means the majority of residents are directly downwind of the proposed operation. It is possible that the proposed works will generate less dust than has been seen in recent years, but this is considered unlikely given the large number of vehicle movements being projected.

Again, Councillors and residents are concerned that if monitoring is not conducted properly and/or dust-mitigation measures are not adequate then additional retrospective control measures may be difficult or impossible to enforce.

3.3 Light. As the operation of the site is clearly not going to be restricted to daylight hours, the level of site lighting is likely to be considerable, to the point where it must cause a nuisance to local residents.

If, despite suggestions to the contrary, it transpires that light pollution is excessive nuisance / discomfort to residents, it is difficult to envisage retrospective curtailment of site lighting or enforced restriction of site operation to daylight hours.

#### **4. Recycled materials.**

Whilst it is acknowledged that it is fully intended to restrict the tipping / recycling operations to inert materials, there is concern that policing of loads will be difficult or impossible. There would appear to be little / no provisions in place to guarantee and carry out regular and rigorous checks on the content of lorries entering the site.

Whilst the Parish Council have no particular concerns regarding the eventual housing proposals per se, it is considered likely that this aspect of the application may change considerably, or perhaps be dropped altogether in due course.

We believe that the extensive and prolonged nature of the development and risks identified (noise, pollution, traffic etc.) and the negative impact on quality of life during the development is unacceptable. This is particularly so given the relatively small gains that the development will bring during its projected 12-year lifespan to the local rural community. Indeed, whilst the plan boasts a 40% uplift in habitat, there will be little or no benefit to the local community to enjoy the space – this would seem to be contrary to recommendations made by the Government's own commissioned review of protected landscapes – the Glover Review. The application fails to give any reassurance of there

being sufficiently robust, reliable monitoring and controls in place. We strongly believe that the scale and nature of the operation would need a significant and guaranteed investment of resource from the local authorities in order to enforce the operation to a level that secures the right standard of safeguards to properly protect the health and wellbeing of locals and visitors.

In conclusion and reflecting carefully on the strong views expressed by the local residents who are most greatly impacted by the proposed developments, the Parish Council cannot support the development.

2.4 **Tysoe Parish Council** – no comments received.

2.5 **Radway Parish Council** – objects to the application for the following planning reasons;

1. Increase in heavy trucks in Edgehill and possibly Ratley, both of which are in the Cotswolds Area of Outstanding Natural Beauty (AONB).
2. Increased noise level pollution in the AONB and Ratley Conservation Area.
3. Increased dust pollution in the AONB and Ratley Conservation Area.
4. Increased light pollution in the AONB and Ratley Conservation Area and wider area.
5. No evidence of regulation of what actually goes into the site.
6. No certainty on how long the activities will actually go on for.

2.6 **Councillor Chris Mills** – no comments received as of 28/05/2021.

2.7 **Environment Agency** – no objections to the proposed development.

We have reviewed the Hydrogeological Risk Assessment submitted in support of this application. We understand this assessment comprised a site walk-over, a detailed desk-based study and a site investigation involving three rotary boreholes down to a depth of 10 metres BGL, with subsequent monitoring confirming resting groundwater levels at approximately 9.5m BGL (below the current depth of the quarry floor). We agree with the conclusions of the report that there are no significant risks to “Controlled Waters” during or following the proposed restoration and development works. As such, we do not see the need for a specific planning condition asking for further detailed calculations, programming or mitigation measures to control possible disturbances to the natural groundwater levels in the area, as there is no case of the groundwater having to fully rebound first to re-establish its normal hydrological continuities and linkages with local surface waters and/or groundwater abstractions. Further to this, if only inert soils and materials are used for infilling, there is no risk of deterioration in the quality of the underlying aquifer due to possible future pollution leaching and migration from those fill materials and thus no need for longer term monitoring.

However, the applicant will need Environmental Permits from our National Permitting Service to backfill, store, treat extractive wastes and restore the current quarry, ensuring only inert and suitable materials will be used in the right volume and with no detrimental effects to the environment. Importation of materials / waste, as proposed, is an activity that is controlled under the Environmental Permitting (England and Wales) Regulations 2016 and therefore an application must be made under this regime. As part of this application, it must be demonstrated with evidence that the deposition of materials will not pose risks to “Controlled Waters”.

- 2.8 **WCC Highways** – no objection subject to the imposition of conditions to secure widening and surfacing of the existing site access onto the C69 Edge Hill Lane and provision of wheel washing facilities prior to infilling of the site commencing. In addition: prior to occupation of the Recreational EcoPods provide improvements to pedestrian footways on public highways D6434 Edge Hill and D6433 Quarry Road so as to provide for footways and footpaths linking the proposed Recreational EcoPods to the existing footway on Quarry Lane; provision of a pair of bus stops on the public highway D6433 Quarry Road; provision of adequate parking on site; and, remodelling of the existing access onto the public highway C69 Edge Hill Lane.
- 2.9 **WCC Ecology** – happy that the affordable homes have been removed and only the EcoPods are proposed which are not a permanent feature. However, compensation is required for loss of habitat for the EcoPods and this is to be enacted through the updated 'Proposed Quarry Restoration Plan and will be carried out through a Landscape and Ecological Management Plan (LEMP) condition. The LEMP should also include a Maintenance and Management Plan for the spoil mounds which are species rich for invertebrates as well as the retention of some bare ground for them. It should also contain a plan to cut the grassland regularly on a varied and rotational basis for invertebrates. Additionally, a maintenance and management plan for the proposed water bodies is required, plus for the geological site.

It is recommended that pre-checks are carried out for badger, reptiles and nesting birds prior to any works taking place including any management and maintenance works. This can be enacted through a Construction and Ecological Management Plan (CEMP) condition.

- 2.10 **WCC Landscape** - comments as follows:

Landscape Impacts

The Warwickshire Landscape Guidelines (WLG) identifies the key factors which characterise each landscape type and provide management guidelines for how the local landscape character may be conserved, restored or enhanced. The application site lies within the Cotswolds - Plateau Redlands landscape type. It sits on a relatively

narrow plateau ridge, with the distinctive marlstone escarpment to the west and Sor Brook valley to the south east. The tableland is of an open character with a large-scale geometric field pattern of hedged arable fields. Woodland cover is generally confined to the steep slopes of the escarpment and valley sides, on the fringes of the nearby villages and around Upton House. However, there is established woodland to the north of the site and on the western and northern boundaries of Edgecombe House which creates a degree of enclosure and reduces the sense of scale of the local area.

Planting additional woodland on a small scale (approximately 1.5ha is proposed) will marginally increase the amount of enclosure on the tableland but would visually tie in with existing blocks of woodland on the fringes of the village of Edgehill. The WLG try to direct new woodland planting along valley sides and steep slopes around the fringe of the tableland to help maintain its open character. Therefore, small scale woodland planting is considered to be a low priority in this landscape type with the emphasis placed on conserving the primary hedgerow boundaries, i.e. along roadsides, bridleways, footpaths and farm and parish boundaries. Strengthening the hedgerow network through maintaining and recreating field hedgerows along the northern boundaries would help to improve the condition of the landscape and tie it in with the wider open farmland setting.

The proposed eco-pods are small scale structures, these would be located within the central part of the site and screened by the new native tree and hedge planting. The proposed recreational use and additional tree planting will change the character of the immediate landscape but since it will cover a relatively small area within the Plateau Redlands Landscape type and is sufficiently set back from the plateau edge this change would not be considered significant.

The site sits within the Cotswolds AONB indicating the national importance of the landscape and its sensitivity to change. Policies for the management of the AONB require development to; *'seek to conserve and enhance the natural and cultural capital of the AONB and the ecosystem services that they provide'* (policy CC4); *'be compatible with and reinforce the landscape character of the location'*, (as described by the Cotswolds Conservation Board's Landscape Character Assessment and Landscape Strategy and Guidelines); and *'have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced'*(policy CE1).

The LVIA references the character of the existing Cotswold woodlands. Historically this area would have been cleared for farmland. There are no potential direct links or extensions to ancient woodland.

The site lies within National Character Area (NCA) 95 Northamptonshire Uplands. This NCA is characterised by gently rolling and rounded hills and valleys, with long low ridgelines; generally sparse woodland cover with small, scattered, visually prominent broadleaved woods and coverts; mixed farmland enclosed by high hedgerows with frequent mature hedgerow trees; lowland dry grasslands within the valleys; small nucleated villages; a dense network of narrow lanes with wide grass verges; many historic houses, parks and gardens; long distance paths; and wide long-distance views from the edges and across the ridge tops.

The management guidelines seek to direct the planting of new broadleaved woodland in suitable locations without compromising views from the ridges or the open landscape character of the AONB. The '*existing sheltering planting patterns*' of woodland around the village is seen as contributing to its sense of place and the expansion of broadleaved woodland around the settlement edge, away from ridges and historic features is encouraged. Strengthening the hedgerow network through maintaining, restoring and / or recreating field hedgerows is considered an improvement to the condition of the landscape.

In landscape terms the proposed development and restoration would have minimal impact. The land would be returned to a mix of woodland, scrub, grassland and separated temporary ponds and pools for low key recreational use. Field boundaries would be maintained and added to, helping to tie the development into the wider landscape setting.

#### Visual Impacts

The site is visually well contained owing to a combination of vegetation along its boundaries and landform. As the site is infilled it is likely that there would be views of machinery working at higher levels from local roads and public footpaths. The widening of the existing access requires the cutting back of the existing boundary hedge and tree canopy for a length of 160.8m to improve the visibility splay and this would potentially increase views into the site from Grange Lane. However, the visual impact is of a temporary nature and of a medium-term duration. According to the Design and Access Statement, restoration is to follow on from the infilling of the void. Whereas paragraph 11.5 of the addendum to the Planning Statement indicates that restoration works (including planting) would take place once stage 2 is completed. If this is the case new planting would begin after 8 years, while the site is still in operation.

The LVIA has assessed where there could potentially be publicly accessible viewpoints of the proposed development, these include from important public rights of way, including the Centenary Way/Macmillan Way. The proposed recycling and infilling operational works would have very little influence on views, being limited to glimpsed filtered views of machinery and buildings through the existing vegetation in winter. Views into the site are most likely from the adjacent roads / lanes and these would be filtered by vegetation along the site boundaries. This complies with policy CE1 of the Cotswold Management Plan.

In time the proposed woodland and hedgerow planting would visually merge with the existing woodland to the north and west of the site, on the periphery of Edgehill and along the escarpment. The eco-pods are small scale structures and would be located within a planted woodland setting and so are unlikely to be visible beyond the site boundary. External lighting would be low-level timber pedestal lights positioned in a staggered arrangement along the access road. Therefore, there would be no potential significant effects on views.

- 2.11 **WCC Flood Risk Management** - it is noted that the surface water drainage scheme put forward is similar in principle to previous application SDC/19CM023 for which the LLFA (Lead Local Flood Authority) recommended conditions. It is noted that the extent of impermeable areas has reduced in the latest proposals. Based on the information submitted the LLFA has No Objection subject to conditions to secure a detailed surface water drainage scheme and its long-term maintenance.
- 2.12 **WCC Archaeology** – no archaeological comments to make on this application.
- 2.13 **WCC Fire & Rescue** – no objection subject to a condition requiring the submission of a scheme to secure the provision of adequate water supplies and fire hydrants for firefighting purposes.
- 2.14 **Cotswold AONB Conservation Board** – The Board acknowledges that the amended details relate to the removal of the four dwellings and associated vehicular access from the proposed infilling and restoration of Edgehill Quarry. Having reviewed the applicant's 'Addendum to the Planning Statement' document, we understand that this change has been made following discussions between the applicant, Warwickshire County Council and Stratford on Avon District Council in September 2020.

The Board objected to this planning application prior to the removal of the four dwellings. The Board also objected to the previous planning application for this site (Ref: SDC/19CM023).



As you will be aware from those responses, the Board's over-riding concerns regarding the proposed development relate to the landfill operation itself. For example, our previous objection primarily related to:

- (i) the inappropriate nature and scale of the landfill and waste recovery / recycling / export operation, particularly in the context of its location in the Cotswolds National Landscape; and
- (ii) the number of HGV movements that would be involved in transporting waste to and from the site as part of this landfill and waste recovery / recycling / export operation and the impact that these HGV movements would have on the tranquillity of the Cotswolds National Landscape.

The Board acknowledges that the removal of the four dwellings from the proposed development has the potential to reduce the overall adverse impacts of the scheme to a small degree. Removing these dwellings also has the potential to provide some minor benefits, such as the creation of a slightly larger area of lowland calcareous grassland in the restoration scheme.

However, we consider that the potential benefits of removing the four dwellings would be dwarfed by the significant adverse impacts and inappropriate nature and scale of the overall proposed development, particularly the landfill and waste recovery / recycling / export operation.

For these reasons, the Board maintains its strong objection to planning application SDC/20CM009.

**The AONB Board's initial response to the application**, when it included four dwellings for affordable rent, is summarised as follows:

Objects to the proposed development for the reasons outlined below.

The Board acknowledges that the applicant has taken some steps to reduce the potential adverse impacts of the proposed development, compared to the previous, withdrawn planning application (SC/19CM023). However, we consider that the planning application should be considered on its own merits, rather than in comparison to the previous planning application.

Whilst the Board acknowledges some of the potential benefits of the proposed development, we consider that the nature and scale of the proposed landfill and waste processing operation is completely inappropriate in the highly sensitive landscape of the Cotswolds Area of Outstanding Natural Beauty (AONB).

The Board question the amount of waste required to be imported to the site (and the amount of material that would be exported from the site) believing it to be higher than the figures provided by the applicant.

The Board also considers that the landfill and waste processing operation is likely to have a significant adverse impact on the statutory purpose of AONB designation, which is to conserve and enhance the natural beauty of the AONB. In particular, we consider that the operation is likely to have a significant adverse impact on the relative tranquillity of the AONB, which is one of the AONB's 'special qualities'.

This impact on tranquillity primarily relates to the large number of, and significant increase in, HGV movements that would be required for the landfill and waste processing operation for over a decade. The Board question the applicants stated HGV numbers considering that they would be higher and not accord with the Board's Tranquillity Position Statement.

Given the inappropriate nature and scale of the proposed development, the high sensitivity of the setting and the potential for significant adverse impacts on the purpose of AONB designation, the Board considers the proposed development to be major development, in the context of National Planning Policy Framework (NPPF).

For major development, in this context, the starting point for the decision-making process should be a presumption against granting planning permission. Granting planning permission should only be considered if exceptional circumstances are considered to apply and if the development would be in the public interest. However, the Board does not consider that the applicant has adequately demonstrated: (i) the need for the proposed development; (ii) that there are no suitable, alternative locations for the landfill and waste processing operation outside the AONB; or (iii) that the need for the landfill and waste processing operation could not be met in some other way. We also consider that the adverse effects of the proposed development significantly outweigh the potential beneficial effects.

Based on the points outlined above, we do not consider that exceptional circumstances apply or that the development would be in the public interest. Any public interest that the development may have would need to be weighed against the fact that AONBs are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them. It is also important to note that the NPPF affords the highest level of protection to AONBs, on par with the level of protection afforded to national parks.

The Board acknowledges that restoring the pre-quarrying landform does have some potential benefits. However, it should be recognised that disused quarries are a key feature / characteristic of the High Wold landscape in which the site is located. So, whilst, from a landscape

perspective, it may have been preferable if the land had not been quarried in the first place, this does not necessarily mean that the original landform should be restored post quarrying. This is particularly true where restoring the proposed landform has not been an integral part of the mineral operation, as is the case with this site.

In particular, it is important to note that unfilled quarries have the potential to provide a valuable wildlife resource in their own right. Indeed, whereas the biodiversity of quarry sites where the original landform has been restored might be compromised by competing land uses such as farming, housing or tourism, unfilled quarries can provide a haven for rare habitats and species. For example, many of the country's important limestone grassland sites are found on former, unfilled quarries that are surrounded by more intensive land uses.

The Board acknowledges that, in this instance, the proposed restoration does have potential to deliver biodiversity net-gain, compared to the current baseline. However, with an appropriate restoration and aftercare scheme, significant gains for biodiversity could also be achieved in the unfilled quarry. Indeed, the Board's recommendation would be that the site should not be filled in and that, instead, it should be restored to primarily lowland calcareous grassland habitat. Restoring the site in this way would make a significant contribution to halting and reversing ongoing declines in this nationally important habitat which is so iconic for the Cotswolds AONB. The restoration should also include an element of Open Mosaic Habitat on Previously Developed Land.

For the reasons outlined above, the Board does not consider that importing hundreds of thousands of tonnes of waste into the AONB and either landfilling it or re-exporting the processed material is justified in terms of: waste management; conserving and enhancing the natural beauty of the AONB; or delivering four dwellings and / or tourism accommodation in this locality.

In addition, the Board recommends that further assessments should be carried out to assess:

- the % increase in HGV movements on local roads and through local settlements
- if the lighting during the operational and after-use phases complies with the obtrusive light limitations,

If planning permission is granted, the Board recommends that conditions should be imposed to limit the amount of waste that can be imported / exported each year and the number of HGV movements per year (and, potentially, for shorter timescales). Limitations should also be imposed on the hours of operation for the landfill and waste processing operation, preferably not to include Saturdays. We also recommend that conditions should be imposed to ensure that the

proposed (now deleted) dwellings reflect the local vernacular architecture, in addition to using Horton Stone cladding.

- 2.15 **Oxfordshire County Council** – Minerals and Waste Policy - we would have liked to see more information on where the infill waste is sourced and exactly how much of what type but other than that, we have no comments to make.

Transport Development Control - This is unlikely to have an impact on our network in terms of road safety or congestion. We would support a routing agreement to protect the villages of Hornton, Horley and Hanwell in particular.

- 2.16 **Cherwell District Council** - has the following observations to make on this proposal:

The use of the redundant quarry as a soil and aggregate recycling and recovery facility is unlikely to significantly impact upon Cherwell District as it is not located within close proximity to residential dwellings within Cherwell District. The potential visual and landscape impact of the scheme upon the area will need to be assessed by Warwickshire County Council.

The proposed affordable dwellings would appear not to be in the most sustainable of locations and should only be supported if there is robust evidence of a local need. Similarly, the proposed EcoPods should be in a sustainable location, so that future users/guests have a realistic choice of means of transport, to reduce the reliance on personal vehicles and minimise impact on the environment.

And on other matters it is considered appropriate for the application to be considered against Warwickshire County Council's own development plan policies and guidance within the National Planning Policy Framework.

- 2.17 **Natural England** - our national landscape specialists currently have a very limited capacity and therefore on this occasion we would be unable to provide bespoke comments in relation to the potential impacts from the proposed development on the Cotswolds Area of Outstanding Natural Beauty (AONB). The Cotswolds Conservation Board have shared with us their concerns about an effect on the tranquillity of the AONB of HGV movements required to fill the quarry. We therefore suggest that their advice on this matter is sought and given full consideration in determining these planning applications.

### 3. **Representations**

- 3.1 36 letters and emails of representation to the application have been received from local residents (Edgehill and Ratley), the Council for the Protection of Rural England (CPRE), Jeremy Wright MP, the National Trust and the Upton Estate. Whilst there is an acceptance of some

aspects of the proposed development within some of the representations made, the overriding consensus is one of strong objection to the development in principle.

Concerns raised include:

#### **General Observations**

- Major long-term nightmare for all Edgehill residents.
- I have lived at this address since 1961, this application is the most worrying prospect that I have had to address.
- Frightening prospect for local residents. I would urge you to decline this application.
- For the residents of Edgehill consent to this application will have the most devastating impact and for at least many years.
- The inevitable noise and dust from the plant, the site and imported materials would be horrendous.
- The quarry is bounded by greenfield agricultural land and there are homes situated within very close proximity.
- Disruption, Distress and Noise.
- The siting and operation of a recycling facility is completely unsuited for an edge of village setting.
- This is quite a large-scale operation in a very rural setting. Many of the elderly population may find themselves living with the situation for the rest of their lives since the proposed period of operation has been extended. For this reason, the decision has to be the right one. I would hope the Planning Department will give this decision the greatest care and consideration in their deliberation.
- It is not a sustainable concept.
- Concerns about the efficacy of the checks and inspections to ensure compliance with the proposed operation.
- I have read the description of the proposed works with great interest; it is clear that many of the objections raised against the last application have been considered and attempts made to address or to mitigate the concerns.
- If the proposals are adhered to, I would certainly be less concerned about the plans this time than I was in their previous form. My concerns remain, however, about the efficacy of the checks and inspections to ensure compliance with the proposed operation. I note how very close the operation is to the nearest neighbours and wonder how bad the effects of breaches of conditions would be on these near neighbours, whatever the effect of day-to-day operation would be to experience.
- Previous experience indicates that this Company do not appear to be too concerned as to the quality of infill being used. It concerns me that this attitude will continue and that any infill will be poor.
- Clearly using this spent quarry to dump waste into is extremely profitable so is easy to see the attraction to the applicant.

### **Traffic & Transport**

- Numbers of HGV movements
- Vehicle movements through the village which is a narrow weight restricted road.
- The highway is already in a poor state of repair and HGVs would wear the road out faster than normal traffic.
- Mud would be spread onto the road and is already a problem.
- No confidence that lorries would stick to designated times and routes.
- The authorities would be virtually powerless to prevent a nuisance – they don't have the resources, or inclination to police the site operation.
- Lorries travelling from Banbury on the A422 would need to turn across fast moving traffic on a dangerous bend. Heavy laden, large lorries travelling from the Stratford direction would have to come up Sun Rising Hill causing a slow-moving traffic hazard.
- The local road network is popular with cyclists. Populating a cycle route with HGV's for the next 12 years is counter to local and national Government cycling initiatives.
- The matter of transportation of waste to and from the site is extremely worrying. It is stated in the planning statement that lorries will use the A422 which is a condition of the extant permission. This is a condition that is currently flouted, vehicles drive straight through Edgehill village. The impact such a number of heavy lorries a day, or even a smaller number, travelling through such a small hamlet will be immense in all respects and devastating to our lives. Unfortunately, the police have confirmed to us that they do not have the resources to track and prosecute lorry drivers for transgressing the weight restriction applied to this area. Any section 106 as referred to in the planning statement will need to be enforced which will come at a cost to the County Council assuming that there is sufficient manpower to deal with any transgressions in a timely manner.
- Many cars parked on the road restricting width of the road to one lane.
- HGV traffic would have a significant damaging effect on the road surface and also the foundations of local houses.
- Has the Council allocated any additional budget to repairing the roads due to increased usage and load?
- Is there a weight restriction on the loaded lorries the applicant can use? Is this consistent with the weight bearing capacity of the roads and is this enforceable?
- There will be 15,000 truck movements per year along a rural B-Road with the consequent noise and diesel fume pollution six days a week.
- Traffic would pass very close to a number of period properties.
- How is the routing of vehicles, stated as 'not through the surrounding villages', to be policed and enforced?

- Could the layout of the entry/exit be designed as to only allow entry/exit from the A422 direction?
- Existing site traffic passes through the village, but there is no attempt by the Police or any other Authority to enforce the weight restriction that exists specifically to prevent this.
- The area is used by walkers who would come into conflict with HGVs.
- Applicant says not going to supervise the number and routing of lorries.
- Vibration from vehicles adversely impact buildings in the village.
- Contrary to the Warwickshire Waste Core Strategy (WWCS) which indicates that in order for a waste processing facility to be considered there is a need for demonstration that such development would provide significant transport, operational and environmental benefits. The proposed MRF does not provide operational or environmental benefits of any description, and certainly does not offer any form of transport benefit.

### **Noise**

- Noise and polluting effects would be from morning until early evening six days per week for a period of 12 years.
- Noise would be constant.
- In 2017 residents of Edgehill were subjected to at least two months excessive noise from the site machinery. It took complaints and the intervention of SDC and WCC to enforce action on the operator to address the problem.
- Already had 2 years unacceptable environmental noise from crushing.
- As detailed in the WWCS, such sites are likely to produce noise from vehicles and heavy machinery including reversing alarms as well as from recycling plant and machinery, particularly those managing waste recycling and materials recovery. There will also be noise generation and vibration originating from vehicles and heavy machinery particularly from those plants concerned with construction and demolition waste – there is no such thing as a quiet bulldozer.
- The fencing as proposed to mitigate noise will have negligible effect on noise levels and we as residents will find our lives greatly disturbed.

### **Dust**

- Dust would be blown from the site.
- Concern about the material to be used and recycled. We understand that it would be inert waste but as the applicant has a licence to deal with asbestos can the residents be assured that there will be no toxic material liable to cause health hazard.
- Would be surprised if the material brought to the site would be inert.

- Demolition material would be more than just masonry and concrete.
- How do we know that the waste material being transported to the site does not contain contaminants such as asbestos, silica dust and low-level radioactive waste?
- Would vehicles be covered?
- Fragments of contaminants could become airborne adversely impacting health.
- Who will check material deposited on site?
- The workings that are done in the quarry produce so much dust is the summer months it is unbearable. How much dust is being consumed in everyone lungs? This cannot have a health benefit long term.
- In the dust and noise assessments supplied it is clear that there is a considerable responsibility placed on the applicant to employ best practice and also fulfil requirements. I am unclear as to what level of inspecting, monitoring and enforcement the various authorities will be able to provide.
- The impact upon local air quality through emissions (both from on-site operations and vehicle movements on and off-site), dust and odour are all matters of great concern especially bearing in mind that Edgehill is situated downwind of the prevailing wind from the southwest. It is a most unsuitable position for a SARF.

#### **Landscape & AONB**

- The SARF will not protect or enhance the quality and character of our local countryside and valued landscape or offer any benefit to residents in this AONB. It is an inappropriate development for Edgehill and contrary to the Warwickshire Waste Local Plan.
- I do not regard that there will be any benefit for any resident in this AONB by creating a SARF and enduring 12+ years of disruption to our lives and environment simply to infill a quarry void which could be left as it is to become reclaimed by nature as has occurred at other quarry sites.
- AONB not an appropriate location for the development.
- Whilst I accept that infilling of the site may (or may not) be necessary, the proposed processing plant is an intense concern.
- This is an AONB and the development of this quarry can only have a detrimental effect on this landscape. I question why this quarry needs infilling and I believe if it does there are proven methods in harmony with this beautiful area.

#### **Hours of Operation**

- Hours of operation already excessive. How will this be monitored and enforced?
- Saturday working not acceptable.



- Are the proposed hours of operation absolute or can they be varied? If so, who would police and control activity outside of the stated hours?
- The stated hours of site operation are more than daunting but there is every reason to expect those hours to be greatly exceeded.

#### **Timeframe of Development**

- Time frame, 12 years, excessive.
- Duration of the development cannot rely on the timeframe being realistic, no assurance that activities will cease by the date specified.

#### **Lighting**

- If recycling done during the hours of darkness there would be light pollution, the area is notable for being a Dark Place.

#### **Ecology**

- Ecology – The area is rich in wildlife and would have been even richer but for the miscellaneous commercial activities that have been taking place over recent years have had a detrimental effect. The site provides a haven for wildlife which the proposed development would destroy totally.
- Had the applicant really been concerned about the natural environment and the encouragement of nature then I would have thought that some sympathetic landscaping and giving the site over to nature would have been a more positive solution.
- We ask that the application is refused, and that the site is returned to agriculture, with possibly a small nature area.

#### **Flooding**

- The site is prone to flooding, concern that as waters dissipate through the strata it would release the toxins contained in the fill material leaching into ground waters and local streams and rivers.

#### **Tourism**

- This area is a hub for visitors who wish to enjoy its many walks through rolling countryside and wooded pathways. How can this unfortunate proposed development do anything to benefit? Quite the opposite must surely be the case.

#### **Historic Environment**

- The proposed site is in the centre of an historic triangle that makes up the National Trust property Upton House and the villages of Edgehill (with civil war history) and Ratley (16th century church and coaching inn).
- Edgehill is a small historic hamlet situated in an AONB with the registered Edgehill Battlefield being within close proximity. The

neighbouring villages of Ratley and Radway are equally small and historic and consist mainly of stone-built homes, a number of which are listed. The area is completely rural and natural.

### **EcoPods**

- The EcoPods financial viability questioned.
- The 10 EcoPods represent a glorified holiday site.
- The eco-cabins and affordable bungalows would be totally out of keeping within an AONB and does not in any way conform to the construction, architecture or style of local properties.
- As regards the 'eco-pods' I can see no benefit to the community, nor the landscape, nor the environment by such construction. They would be totally out of keeping with the nature of this AONB.
- Any such housing/holiday accommodation on this site would be a large expansion of the village of Edgehill and contrary to Stratford's Planning Policy.
- Affordable homes and eco-pods effectively a trailer park on top of a former waste disposal site.
- Infilled site liable to subsidence
- The proposed Eco-Pods would be completely out of keeping with the AONB and local properties.

### **Observations made in respect of the four affordable residential dwellings** (which have now been deleted from the application):

- No need for affordable housing.
- Only Four affordable units proposed.
- Doubt houses would ever be built.
- Would support high quality housing in the local vernacular.
- Dwellings in open countryside not welcome.
- Cannot understand why social housing is being proposed – this location, with no facilities, is completely unsuitable for low income families.
- Just landscape the quarry without filling it in, as has happened to other sites locally, and then build the proposed houses will be the best outcome.
- No assurance affordable homes would be for local people.
- The proposed EcoPods and affordable homes will have little positive impact on the local needs identified in the report offered in support of the application and are incompatible with an AONB. The residential aspects of this application could reasonably be regarded as a cynical irrelevance to the primary objectives of the application and may or may not materialise in the form described.
- The development of the site as an eco-friendly site with affordable housing could be a positive asset to the area and environment. However, with the potential impact to ourselves and our community, our concerns are mainly focused on adherence to commitment, policing and enforcement.

- The quarry does not need to be filled in to be built on. I have no objection to the lodge/bungalows being built. This could be achieved in sympathy with the existing quarry structure. I note that the affordable housing had now been removed. It is difficult to predict what housing needs the local area will have in 12 years' time but there are a number of families with teenage children who may feasibly require affordable housing in 12 years' time.
- I do not feel that the affordable houses and EcoPods will ever be built and if they are starting to be built in 2024, while the quarry is still being infilled, as we were told, surely there is a great chance these houses will develop subsidence.

3.2 **CPRE - CPRE Warwickshire objects to this application.**

Concerns raised include: noise, dust, traffic, highway network not suitable, nature of waste material, impact on village, light, adherence with rules, harm the open countryside and the neighbouring villages, unsuited to this Area of Outstanding Natural Beauty, timescale and the four houses and glamping pods could hardly be built within a decade after the infilling had ceased because they would sink into the ground and we are inclined to think that this part of the application, along with the proposed enhancement of the site may be a sop to public opinion.

Be that as it may, CPRE Warwickshire is of the firm opinion that this application should be refused.

3.3 **Jeremy Wright MP - I am writing on behalf of my constituents in Edgehill who recently contacted me regarding the proposed development of Edgehill Quarry. I have a number of concerns about the proposed development:**

- The length of operation from the previous application has been extended from six to twelve years, allowing for lorry movement and disruption to the community over a longer term.
- The narrow road in Edgehill is not suitable for 18-ton capacity lorries to transport materials.
- The potential for dust and noise, which will be self-monitored by the applicant. The limited capacity to monitor and enforce the proposed hours of operation for the project.
- The type of materials that will be processed on site.
- The development of this quarry and potential detrimental effect it will have on the area's landscape.
- Limited number of homes created from this project.

I would be most grateful if you could take these points and others made by my constituents into consideration in your current consultation.

3.4 **Upton Estate** - which comprises of various land and property adjoining the application site object to the proposals.

Concerns raised include highway and noise impact; and, lack of compliance with the development plan, particularly in respect of the residential element of the application not being compliant with Stratford-on-Avon District Council's growth strategy. Object to the provision of dwellings and ecolodges on this site. Notwithstanding the restoration part of the proposals, the provision of residential dwellings in this location is wholly inappropriate. The site is not a sustainable location being located next to Edgehill which is a small village with only a pub available. Furthermore, the site is located within the AONB beyond a settlement boundary, which is not considered a sustainable location for development within the Core Strategy. The ecolodges would have a detrimental impact on the visual amenity and value of the AONB and should be resisted. The proposed dwelling houses and ecolodges would give rise to an urbanising effect on the AONB and the site should instead be restored appropriately using lowland calcareous grassland habitat and Open Mosaic. The development would adversely impact on Cotswold Area of Outstanding Natural Beauty which should be conserved and enhanced. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. We are of the view that the highway and visual impact that would arise from the proposals outweigh any public benefit that may arise from the provision of ecolodges that would contribute to some extent to the tourism economy. The traffic movements associated with the restoration of the quarry would have an adverse impact on the quietude of the AONB and would significantly affect the landscape character of the immediate and wider area. We also have concerns about the level of noise impact that would arise, particularly during the restoration works. The noise generated would severely affect the tranquillity of the AONB for a significant amount of time. Overall, there would be long term significant highway and noise impacts as a result of the proposals that can by no means be considered temporary against a 12-year restoration timeframe.

To conclude, we strongly object to the proposals on the basis of the highway and noise impact that would arise from the proposals, and the severe affect that this will have on the quietude and visual amenity of the AONB. Furthermore, the residential element of the scheme does not comply with the development plan in that it is not in a sustainable location and would give rise to an increase in the use of the private car. The dwellings proposed cannot be considered deliverable given that it could take some 15 years to complete them, and the residents of the affordable units may have a reduced level of amenity and quality of life from living in dwellings in this location, given that the site is extremely isolated and services cannot be easily accessed on foot or by bicycle.

- 3.5 **National Trust** – previously provided a response to application SDC/19CM023 for a larger development on this site, to which we objected. We note that this scheme incorporates a number of changes including the omission of 29 park homes in favour of 4 bungalows (dwellings for affordable rent), an increase in the number of Eco camping pods for recreational use from 6 to 10, more space for habitat creation, an extension of the period of infilling from 6-12 years and a reduction in the volume of inert materials required for restoration.

We continue to challenge the argument within the Planning Statement that the land within the site is classified as previously developed land.

We welcome the removal of 29 park homes from the proposal. We believe that the replacement with 4 stone bungalows represents a more appropriate scale and type of development for the area, subject to the proposals meeting national and local policies and guidance relating to the location and design of affordable houses. Notwithstanding the above comments, we are concerned about the proposed layout of the bungalows.

National Trust recognises that the installation of 10 Eco camping pods may support sustainable tourism and access to the AONB in a relatively low-key way. However, it is important that these are not allowed to impact detrimentally on the landscape of the AONB and we consider that the potential for light-spill is a key consideration. Should the Council be minded to approve this application we strongly suggest that there is a planning condition specifying either that there is no external lighting, or requiring detailed lighting proposals to be submitted and approved

We note that the amended material volumes and timescales in respect of the infilling and recycling operation. It will be for the County Council to decide whether this is a suitable location for processing of construction and demolition waste at the scale proposed. It should be noted that filling the void is not the only or necessarily the best means of restoring the site. Should the Council be minded to approve this application we suggest that the reduced HGV movements are secured by planning condition as a means of reducing the impact of noise and disturbance on Radway Grange Grade II\* Registered Historic Park and Gardens (amongst other things). If the Council is minded to approve this application then we consider that appropriate vehicle travel routing, taking account of heritage impacts and residential amenity, should be secured by planning condition.

The amended scheme for restoration of Edgehill quarry will need to be determined taking account of a wide range of policies including those relating to impacts on the AONB landscape, heritage impacts, residential amenity, affordable housing and the appropriate location of materials recycling. National Trust has raised a number of key concerns that we consider need to be addressed: - The proposed

layout of residential bungalows represents a poor response to the local landscape and an inefficient use of land. - Light-spill from the proposed Eco camping pods and surrounding site should be avoided or minimised. - Impacts of HGV movements on the Registered Historic Park and Gardens at Radway Grange and on local residents should be avoided or minimised.

### 3.6 **Amended Plans (following deletion of the proposed four affordable dwellings)**

Consultation on the amended plans resulted in four further representations from local residents generally reaffirming their objection to the proposed development.

Additional observations made include:

- Justification for the proposed recycling centre is flawed. The applicant justifies the need for a recycling centre by stating that there is a lack of processing capacity in the area but this fails to take account of planning permission MW.0084/19 that was approved earlier in 2020 by Oxfordshire County Council for the development of a Aggregates recycling facility five miles away at Wroxton Quarry, OX16 6EZ. Where existing offices, welfare facilities and a weighbridge can be used. The site at Wroxton is approved to operate until 31<sup>st</sup> December 2042. This site has a specific highway suitable for HGVs with access to the A422.
- The site is classed as previously developed land within the Planning Statement yet is not listed on the brown field register.
- There is no need to fully return the quarry to original levels. The South Warwickshire / North Oxfordshire area and, in particular, land between the Edgehill Escarpment and Banbury, is littered with former quarries. The majority have been returned successfully to agriculture with some finished several metres lower than the highway, as can be seen each side of the A422 between Upton and Wroxton. The same could be done at Edgehill Quarry using clays, unusable soils and recovery material from Wroxton Recycling Centre, which is just five miles away along the A422 and without need to pass through any settlements. This solution would restore the land as required by WCC whilst limiting impact / disturbance on the residents and wildlife of Edgehill.

## 4. **Assessment and Observations**

### **Background and Planning History**

- 4.1 Edgehill Quarry has been the subject of a number of planning permissions over the years allowing the extraction of stone from the site. The most recent of which (S535/882294) dates back to the late 1980's.

- 4.2 Mineral extraction was carried out most recently by Hornton Masonry Company Limited who also operated a stone masonry yard on a site located to the north of the quarry. Mineral extraction ceased on site in around 2004. The planning permission allowing mineral extraction on site lapsed before a restoration scheme was secured. There has therefore only been limited restoration undertaken within the quarry void to date.
- 4.3 Planning permission (S535/882687) was granted in 1989 to allow the tipping of inert waste into part of the quarry void to return the land to original levels. This planning permission was not implemented and subsequently lapsed. A number of other planning applications have been submitted to Stratford-on-Avon District Council over the years proposing various developments on the site. This includes; creation of a new highway access (06/02293/FUL – approved 2006), conversion of a stone barn situated on the edge of the site to offices (04/03662/FUL – approved Jan 2005), construction of a stone masonry workshop (04/03626/FUL – not determined 2005), lorry storage (06/2730/FUL – refused 2006) and change of use to allow machinery storage, testing and demonstration of crushing and recycling machinery (12/02953/FUL – declined to determine 2013).
- 4.4 Subsequent to mineral extraction ceasing on site the quarry was sold with the site split up into a number of ownerships, although the site is now largely within the ownership of the applicant. Part of the site was restored to pony paddocks and is not included within the current application site.
- 4.5 The landowner/applicant commenced activities on site in 2017 to screen existing stockpiles of overburden to produce secondary aggregate suitable for construction purposes. A temporary planning permission (SDC/17CM022) was granted to regularise this activity in February 2018. A subsequent planning permission (SDC/19CM001) was granted in June 2019 to allow this aggregate recovery and recycling operation to continue for an extended period of time until November 2019 with the removal of processed material to be completed by November 2020. A further planning permission (SDC/20CM008) was granted on November 2020 to allow the aggregate recovery and recycling operation to continue for a further extended period until 31<sup>st</sup> March 2021 with the removal of processed material from the site to be completed by 31<sup>st</sup> November 2021 and the date by which a detailed restoration scheme for the site must be submitted for approval extended to 31<sup>st</sup> November 2021. A large proportion of the overburden on site has now been processed although a significant quantity of the aggregates produced to date remain to be removed from the site. Screening and processing of the existing stockpiles of overburden involves the operation of a mobile screen and loading shovels as well as the movement of HGV's within the quarry site collecting graded stone for delivery elsewhere.

- 4.6 A planning application (SDC/19CM023) was submitted in 2019 proposing the infilling of the quarry with inert spoils and operation of a temporary demolition and construction waste recycling facility. The proposals submitted with application SDC/19CM023 included infilling the site with 400,000m<sup>3</sup> of inert soils and clays over a period of 6 years, alongside a restoration scheme which proposed a mix of 29 residential park homes, six recreational EcoPods as well as nature conservation/biodiversity enhancements. This application was withdrawn in March 2020.
- 4.7 The current application (SDC/20CM009) is a resubmission and amended version of the previous application (SDC/19CM023). The key changes from this original planning application (SDC/19CM023) to the current proposals (SDC/20CM009) are; removal of the 29 park homes proposed, the provision of four conventional dwellings for affordable rented use (now also removed from this current application), an increase in the number of EcoPods from 6 to 10, and the total projected volume of inert soils and clays required for infilling and restoration of the quarry void reduced from 400,000m<sup>3</sup> down to 350,000m<sup>3</sup>. In addition, the timescale for the development has increased from 6 years to 12 years. As a result, the tonnage of material to be imported to the site per annum has reduced from 97,500 tonnes per annum to 42,500 tonnes per annum.
- 4.8 The quarry site is also the subject of a planning Enforcement Notice issued by the Stratford-on-Avon District Council in 2012. The Notice relates to the unauthorised storage of vehicles, trailers and parts; storage of plant and machinery; storage of skips and storage vessels; storage of construction materials; and stationing of construction materials; and the stationing of caravans and a portable building. This remains an active matter. It is understood that the quarry has also been used in recent years for motorcycle scrambling.

### **Site and Surroundings**

- 4.9 Edgehill Quarry lies immediately to the south/west of the village of Edgehill with residential properties situated very close to the site. The nearest of these dwellings to the quarry are separated by a distance of around 120 metres. A number of individual dwellings lying outside of the village are situated in close proximity to the quarry. Edgcombe House lies around 130 metres to the north-east, White Bottoms Farm is situated directly to the east of the quarry and is separated by a distance of around 30 metres and Grove End lies around 75 metres to the west of the quarry site on the opposite side of Edgehill Lane.
- 4.10 The worked out quarry, which is loosely an L-shaped site, generally has a level quarry floor which lies up to 5 metres below the adjoining land levels. The quarry has not been restored and the excavation comprises a mix of bare ground and stockpiles of processed and unprocessed materials. Various items of plant, machinery, vehicles,



portacabin style structures and a caravan are located within the quarry. The edges of the quarry range from near vertical rock faces to battered slopes. The boundary of the site is delineated by mature hedgerows, trees and vegetation which restrict views into the site. An old stone barn is situated on the eastern side of the quarry. The site forms part of a Local Geological Site designated for its exposed faces of Lower Jurassic Marlstone Rock Formation.

- 4.11 The quarry is situated at the top of Edgehill. The surrounding landscape is very much rolling countryside with agriculture the predominant land use. A number of buildings and structures located in the vicinity of the quarry are of historic interest including: listed buildings Upton House and Radway Grange (which is also a registered historic park and garden), as well as some listed buildings within the village itself and a registered battlefield (Battle of Edgehill 1642).
- 4.12 The application site is accessed via an existing highway access off Edgehill Lane (C69).

### **Planning Policy Context**

- 4.13 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'.
- 4.14 Paragraph 11 of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:
- (a) proposals which accord with an up-to-date development plan should be approved without delay; and
- (b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:
- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Where the presumption in (b) applies, it is often referred to as the "tilted balance" in favour of the application.

- 4.15 Paragraph 12 goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.16 Paragraph 48 explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.
- 4.17 In this case, there is a development plan in place which has relevant policies that are considered to be up to date so far as they relate to this proposal. Therefore, the application should be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise. The Development Plan relevant to the proposal consists of the [name plan]. The Development Plan relevant to the proposal consists of the Stratford-on-Avon District Core Strategy 2011 to 2031 adopted July 2016, the adopted Warwickshire Waste Core Strategy Local Plan 2013 – 2028 adopted July 2013, the saved policies of the Minerals Local Plan for Warwickshire adopted 1995, and the emerging policies of the replacement Warwickshire Minerals Plan which is at the Submission document stage – November 2019. The emerging Plan has now been submitted to the Planning Inspectorate for assessment and review and has been the subject of an Examination in Public in October 2020, it is now at the modifications stage. Until the new Local Plan is adopted it can only be given limited weight.
- 4.18 The courts have made it clear that for the purposes of section 38(6) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy in the plan. It is a matter of judgement for your Committee whether the proposal accords with the plan, considered as a whole, bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach.

### **National Planning Policy**

- 4.19 The National Planning Policy Framework (NPPF) confirms that planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The document also makes it clear that the purpose of the planning system is to contribute to the achievement of

sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development. When making decisions the NPPF states that local planning authorities should look for solutions rather than problems. The NPPF makes it clear that significant weight should be placed on the need to support economic growth and productivity.

- 4.20 When considering the transport aspects of a development proposal the NPPF seeks to promote the use of sustainable transport modes where appropriate. Planning decisions should, amongst other things, ensure that development: will function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development; is visually attractive as a result of layout and appropriate and effective landscaping; and, is sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 4.21 With reference to conserving and enhancing the natural environment paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
  - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
  - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
  - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 4.22 Paragraph 172 states that, Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The

conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

- 4.23 This guidance reflects Section 85(1) of the Countryside and Rights of Way Act 2000 which states that, 'in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'
- 4.24 Turning to mineral extraction the NPPF seeks to provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards.
- 4.25 The NPPF makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of the processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.
- 4.26 It goes on to state that, planning policies and decisions should, amongst other things, aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce such impacts, including through the use of conditions.

#### **National Planning Policy for Waste (NPPW)**

- 4.27 Regulation 18 of the Waste (England and Wales) Regulations 2011 requires that planning authorities shall have regard to certain provisions in Articles 13 and 16 of the EU Waste Framework Directive when exercising their planning functions. This requirement continues to

apply notwithstanding the departure of the United Kingdom from the European Union. Article 13 concerns the protection of human health and the environment. Article 16 sets the objective of establishing an adequate and integrated network of installations which enable waste to be disposed of or recovered in one of the nearest appropriate installations, by means of one of the most appropriate methods and technologies, to ensure high level of protection for the environment and public health.

- 4.28 To help deliver these objectives, the Government published the National Planning Policy for Waste (NPPW) in 2014 to be read in conjunction with the NPPF and the Waste Management Plan for England. The NPPW sets out detailed planning policies in respect of waste development. Its Introduction explains that it is the Government's ambition to work towards a more sustainable and efficient approach to resource use and management and that positive planning has a pivotal role in delivering these ambitions.
- 4.29 The NPPW requires that in determining planning applications waste planning authorities should:
- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan;
  - consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPPW and the locational implications of any advice on health from the relevant health bodies;
  - ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
  - concern themselves with implementing the planning strategy in the local plan and not with the control of processes which are a matter for the pollution control authorities;
  - ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

The criteria in Appendix B of the NPPW are:

- a) protection of water quality and resources and flood risk management
- b) land instability
- c) landscape and visual impacts
- d) nature conservation

- e) conserving the historic environment
- f) traffic and access
- g) air emissions, including dust
- h) odours
- i) vermin and birds
- j) noise, light and vibration
- k) litter
- l) potential land use conflict.

Regulation 20(1) of The Waste (England and Wales) Regulations 2011 states that a planning authority must not grant planning permission for a landfill unless it has taken into consideration certain requirements in Annex I of the EU Landfill Directive. The requirements include a requirement that the location of a landfill must take into consideration requirements relating to:

- a) the distances from the boundary of the site to residential and recreation areas, waterways, water bodies, and other agricultural or urban sites
- b) the existence of groundwater, coastal water or nature protection zones in the area
- c) the geological and hydrogeological conditions in the area
- d) the risk of flooding subsidence, landslides or avalanches on the site,
- e) the protection of the nature of cultural patrimony in the area.

## **Local Planning Policies**

### **Minerals Local Plan for Warwickshire**

- 4.30 The saved policies of the adopted Minerals Local Plan set out specific policies relating to the winning and working of minerals. Policy M9 supports the restoration of mineral workings to a high standard and a beneficial after use.

### **Emerging Warwickshire Minerals Plan**

- 4.31 The emerging Warwickshire Minerals Plan seeks to maximise the use of alternative sources of materials (recycled and secondary materials and mineral wastes) in order to manage more sustainably the supply of land won minerals. The issue regarding recycled and secondary aggregates is ensuring that the maximum amount of this material is

reused in the construction process which can then be substituted for primary aggregates. By recycling more aggregate to a standard whereby it can be re-used in new construction projects, it ensures that less primary aggregate is required and hence fewer quarries are needed. This is more sustainable than relying wholly on primary aggregates. Draft policy MCS 4 states that, proposals for the reception, processing, treatment and distribution of waste materials in order to produce recycled and secondary aggregates will be supported where the proposal will promote the sustainable management of waste in accordance with the principles of the Waste Hierarchy and will facilitate a reduction in the need for primary aggregate.

### **Warwickshire Waste Core Strategy**

- 4.32 The adopted Waste Core Strategy sets out policies in respect of directing future waste development. The policies contained within this document reflect the national government planning policy of producing less waste, and to reuse it as a resource where possible.
- 4.33 Policy CS1 (Waste Management Capacity) of the Waste Core Strategy seeks to ensure that there is sufficient waste management capacity provided to manage the equivalent of the waste arisings in Warwickshire and, as a minimum, achieve the County's targets for recycling, composting, reuse and landfill diversion. The Council will seek to meet identified capacity gaps for each waste stream where a shortfall is indicated. Where it is demonstrated that there is no identified capacity gap, or where the capacity gap has been exceeded, then any planning application will be assessed against the Core Strategy policies and the principles of proximity and driving waste up the Waste Hierarchy.
- 4.34 The Waste Plan identifies broad locations where waste development will be supported within the County. Policy CS2 (The Spatial Waste Planning Strategy for Warwickshire) states that preference will be given to new waste management facilities within these broad locations, where individual sites are well located to sources of waste and the strategic transport infrastructure. The policy identifies the kinds of sites where new waste developments should be located within these broad locations. This includes: sites operating under an existing waste management use; active mineral sites or landfills; and, previously developed land. The policy also states that proposals should comply with all other relevant Core Strategy and Development Management Policies.
- 4.35 Policy CS4 – (Strategy for locating small scale waste sites – facilities managing less than 50,000 tonnes of waste per annum) identifies broad locations where such facilities will be located:
- (i) priority to sites within or in close proximity to the primary or secondary settlements; or 5km of the Coventry MUA

- (ii) outside these areas only where it is demonstrated that the proposal is better suited to such locations through providing greater operational, transport, environmental and community benefits.

The supporting text to this policy states that facilities could be located outside of Primary and Secondary settlements subject to any proposal being in accordance with all other relevant policies.

- 4.36 Policy CS7 (Proposals for disposal facilities) states that disposal facilities (meaning facilities primarily consisting of disposal by landfill or incineration) will only be approved where the applicant can demonstrate that the proposed facility is needed and will not prejudice the management of waste further up the Waste Hierarchy. The policy states that proposals for the landfilling of waste will not be acceptable unless it is demonstrated that:

- (i) The waste cannot be managed by alternative methods that are higher up the Waste Hierarchy; and
- (ii) There is an overriding need for waste to be disposed of through landfilling or landraising; and
- (iii) Significant environmental benefits would result from the proposal; and
- (iv) It does not divert significant quantities of material away from the restoration of mineral workings or permitted landfill sites.

Where any landfill or landraise proposals do not clearly meet all four criteria, the proposal will only be permitted if it is demonstrated that landfilling or landraising at that location will deliver overriding community or environmental benefits to justify granting planning permission.

- 4.37 Policy DM1 (Protection of the Natural and Built Environment) seeks new waste development to conserve, and where possible enhance, the natural and built environment by ensuring that there are no unacceptable adverse impacts upon, amongst other things: natural resources (including water, air and soil); biodiversity; the quality and character of the landscape; adjacent land uses or occupiers. Proposals should also maintain or, where possible, enhance biodiversity and recognised sites, species, habitats and heritage assets of sub-regional or local importance. If it is considered that the development is justified against these criteria, proposals will only be permitted where the adverse impacts will be:

- i) Avoided; or,
- ii) Satisfactorily mitigated (where it is demonstrated that adverse impacts have been avoided as far as possible); or
- iii) Adequately compensated or offset as a last resort where any adverse impacts cannot be avoided or satisfactorily mitigated.



- 4.38 Policy DM2 (Managing Health, Economic and Amenity Impacts of Waste Development) states that planning permission will not be granted for waste management proposals which have unacceptable adverse impacts on the local environment, economy or communities through matters including: noise; light/illumination; visual intrusion; vibration; odour; dust; emissions; contamination; water quality; road traffic; and, land instability. Proposals will only be permitted where the adverse impacts will be: avoided; or, satisfactorily mitigated where an adverse impact cannot be avoided or the adverse impacts have been avoided as far as possible.
- 4.39 Policy DM3 (Sustainable Transportation) seeks waste management proposals to use alternatives to road transport where feasible.
- 4.40 Policy DM8 (Reinstatement, restoration and aftercare) states that planning permission will not be granted unless satisfactory provision has been made for high quality reinstatement or restoration of the site and the long-term management of its after use.

#### **Stratford-on-Avon District Core Strategy**

- 4.41 The Stratford-on-Avon District Core Strategy contains general development management policies which all development proposals must be assessed against. Policy CS.1 – Sustainable Development makes it clear that planning to secure a high-quality environment, managed economic growth and social equity are of equal importance. The policy goes on to say that all development proposals should contribute towards the character and quality of the District and to the well-being of those who live and work in and visit the District. Development should be located and designed so that it contributes towards the maintenance of sustainable communities within the district.
- 4.42 Policy CS.4 seeks to protect and improve water quality and minimise flood risk. Policy CS.5 seeks to maintain landscape character and quality of the District by ensuring that development takes place in a manner that minimises and mitigates its impact whilst Policy CS.6 seeks to protect the natural environment. Policy CS.8 seeks to protect and enhance the historic environment.
- 4.43 Policy CS.9 – Design and Distinctiveness seeks to secure high quality sensitive design within development. The policy requires development proposals to be, amongst other things, sensitive to the setting, existing built form and neighbouring uses. The policy seeks to maintain healthy environments with the occupants of neighbouring sites protected from unacceptable levels of noise, contamination and pollution and adverse surroundings.
- 4.44 Policy CS.11 relates specifically to the Cotswolds Area of Outstanding Natural Beauty. The policy states that development proposals within the Cotswold AONB should conserve and enhance the special

landscape qualities and scenic beauty of the AONB and be consistent with the objectives set out in the Cotswolds AONB Management Plan.

- 4.45 Policy CS.22 relates to economic development and provides for a wide range of business and commercial activity to be promoted in sustainable locations. The policy states that opportunities for development will be provided in the countryside, in accordance with Policy AS.10 Countryside and Villages. Policy AS.10 seeks to maintain the vitality of rural communities and a strong rural economy by providing a wide range of activities and development in rural parts of the District, including tourism and leisure, in accordance with the principles of sustainable development. This includes: minimising impact on the character of the local landscape, communities and environmental features; minimising impact on the occupiers and users of existing properties in the area; avoiding a level of increase in traffic on rural roads that would be harmful to the local area; and, prioritising the re-use of brownfield land and existing buildings.
- 4.46 Policy CS.24 relates to tourism and leisure development and recognises its role within the local economy. Small scale tourism and visitor based schemes will be supported where they are appropriate to the size and role of the settlement and/or to the specific nature of the location. All forms of tourism and leisure development should be sensitive to the character of the area and designed to maximise the benefits for the communities affected in terms of job opportunities and support for local services. Wherever possible, tourist and visitor facilities should be located in existing or replacement buildings if they are suitable for the purpose, particularly where they are located outside settlements. Facilities requiring new buildings in the countryside should, where possible, be provided within or close to a settlement but may be justified in other locations where the facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available to re-use. In areas that are statutorily designated for their natural and cultural heritage qualities, there will be scope for tourist and leisure related developments, subject to appropriate control over their number, form and location to ensure the particular qualities or features that justify the designation are conserved.

#### **Cotswolds' Area of Outstanding Natural Beauty – Management Plan 2018-2023**

- 4.47 The Management Plan sets out the vision, outcomes, ambitions and policies to guide the management of the AONB for the period 2018-2023 and has two primary purposes: to conserve and enhance the natural beauty of the Cotswolds' AONB; and, to increase the understanding and enjoyment of the special qualities of the Cotswolds' AONB.

## General Policy Considerations

- 4.48 The aim of the proposed development is two-fold. Firstly, the infilling of the quarry void, incorporating recycling of imported inert material; and secondly, a subsequent restoration scheme that includes habitat creation and 10 EcoPods and associated site infrastructure for holiday let/recreational use. This section considers the policies containing criteria for the location of such developments and the justification for permitting landfill.
- 4.49 The key issues to be considered can be summarised as:
- whether the development will conserve or enhance the AONB in the short and the long term
  - whether the development meets the criteria for the location of waste facilities
  - whether a need and justification for landfill has been made out and the development optimises the waste hierarchy
  - whether the development meets the locational criteria for tourism and recreation
  - whether objections can be met by reasonable and enforceable conditions.
- 4.50 The general theme running through policies contained within the development plan is to achieve high quality development that is sustainable in the long term. In respect of mineral workings and waste sites development proposals are expected to secure high quality site restoration and beneficial afteruses with appropriate management plans. Edgehill Quarry currently very much takes the form of a worked out unrestored quarry void with operations to reprocess and screen existing stockpiles of overburden to produce secondary aggregate suitable for construction purposes ongoing. The proposed restoration scheme, once complete, would provide a sustainable restored landform and afteruse of the former mineral working including long term management and biodiversity benefits. This, in general terms, is supported by planning policy.
- 4.51 Mineral extraction ceased on site in around 2004. The planning permission allowing mineral extraction on site lapsed before a restoration scheme was secured. There has therefore only been limited restoration undertaken within the wider quarry site to date and none within the current application site. In the context of the National Planning Policy Framework (NPPF) the application site would therefore be considered to be 'previously developed land' as no provision existed to secure restoration of the site through development management procedures. Notwithstanding this, planning permission SDC/17CM022

(since renewed under planning permission reference SDC/20CM008) granted in 2018 to allow the screening of existing stockpiles of overburden to produce secondary aggregate does contain a condition requiring that should the applicant's future proposals (the current application) not be supported, an alternative restoration scheme must be submitted for approval. It could therefore be argued that provision does now exist to secure restoration of the site through development management procedures. In which case the site would not constitute 'previously developed land'. The restoration condition imposed on planning permission SDC/20CM008 is however very much a backstop position and is designed to be a catchall should the comprehensive restoration scheme now submitted for consideration with this application not be supported. Any restoration scheme secured via planning permission SDC/20CM008 would be a very minimal scheme relying on any mineral spoil remaining on site only for use as restoration materials. The quarry site would therefore substantially remain in its current form as a void left in the landscape following mineral extraction.

- 4.52 A key theme of planning for the management of waste is to drive waste management up the 'Waste Hierarchy'. 'Prevention' and the reduction in waste generation are the most effective environmental solution and is at the top of the 'Waste Hierarchy' with 'disposal' very much the least desirable solution at the bottom of the 'Hierarchy'. That said many excavation, construction and demolition wastes are low grade materials with limited scope for alternative methods of reuse further up the 'Waste Hierarchy'. There will always be a need for such waste materials to be disposed of by landfill.
- 4.53 The application proposes to incorporate a Soils and Aggregate Recycling and Recovery Facility (SARF) within the development. This would enable waste materials arriving at the site to be pre-treated prior to deposit within the quarry void thus allowing recovery and reuse of any recyclable materials with only inert materials with no scope for reuse deposited within the quarry void. Had the SARF been proposed as a stand-alone facility in this location it would not comply with the locational criteria set out within Policy CS4 and therefore would be unlikely to gain support. However, as an integral part of an overall waste management facility, allowing reusable materials to be recovered and reused as a resource prior to the residue inert waste being deposited on site, it presents operational benefits and therefore does gain policy support.
- 4.54 In the context of Policy CS7 (Proposals for disposal facilities) of the Warwickshire Waste Core Strategy it can be seen that only inert waste materials that have no alternative viable use would be deposited within the quarry void to secure restoration of the former mineral working. In addition, infilling of the redundant quarry void with inert waste materials restoring this former mineral working to previous ground levels that existed prior to quarrying activities taking place across the site and

incorporating habitat creation and biodiversity gains would result in environmental benefits and enhancement. The proposed development therefore accords with the aims of Policy CS7. This is however perhaps a debateable argument as it hinges on whether or not there is an overriding need to infill the quarry void in order to secure a sustainable site restoration in the long term. There are arguments for and against this but, on balance, it is considered that infilling of the quarry void and habitat creation proposed would be beneficial in the long term and is therefore supported in general terms by planning policy. A number of representations received suggest that the quarry could be left unfilled and restored at a low level. The AONB Board highlights that disused quarries are a feature and characteristic of the local landscape in which the site is located. There are examples of quarries in the locality that have been restored by both infilling and those that have been restored without the being infilled. There are probably merits for each option and opinion on the landscape impact of each will vary. In this case it is considered that the restoration proposals, including infilling of the site would provide an overall landscape enhancement in the long term.

- 4.55 In terms of waste management capacity and the aim of Policy CS1 (Waste Management Capacity) to provide sufficient waste management capacity to manage the equivalent of all waste arisings in the County, the Waste Core Strategy acknowledges that data relating to construction and demolition waste arisings may not be comprehensive. Data contained within the last Minerals and Waste Authority Monitoring Report covering the period 2013/14 through to 2018/19 identifies that there was at that time more management capacity for this waste stream than waste arising in the County. Much of this waste management capacity will however be located in the north of the County and the Monitoring Report acknowledges that a significant proportion of this permitted capacity is time limited. Furthermore, Policy CS1 seeks a minimum waste management capacity provision and not a maximum limit. Where there is no identified capacity gap, or where the capacity gap has been exceeded, planning applications will be assessed against the Core Strategy and Development Management policies and the principles of proximity and driving waste up the Waste Hierarchy.
- 4.56 The application envisages that the inert waste would be collected from demolition and construction sites within the immediate locality, with the intention to source as much of the material as possible from within the Area of Outstanding Natural Beauty. Whilst this cannot be guaranteed, inert wastes and recycled aggregates are low value and as a result do not tend to travel significant distances. In this respect the proposals would accord with the principles of proximity.
- 4.57 Edgehill Quarry is situated within a rural location within the Cotswold Area of Outstanding Natural Beauty. AONBs (along with national parks and the Broads) have the highest status of protection in relation to

landscape and scenic beauty and planning policies require that great weight should be given to their conservation and enhancement. The site is an existing worked out quarry void so in this respect makes no positive contribution to the landscape or enhance the quality of the landscape in its current form. The proposed development would secure infilling of the quarry void restoring the site to ground levels that existed prior to quarrying activities taking place across the site. Combined with the proposed restoration landscaping scheme and habitat creation the proposals would, in the long-term, be beneficial and result in permanent enhancement of the landscape and beauty of the AONB.

- 4.58 The development would, however, require landfilling and waste processing to take place for up to 12 years. The quarry site is reasonably well screened by existing mature vegetation. The existing stockpiles of overburden and recycling operations take place at a lower level than the surrounding ground levels/landscape. As a result, the operations currently being undertaken within the quarry site have a visual impact only in the immediate surrounding of the quarry and not the wider landscape of the AONB. The proposed SARF would be developed on the base of the quarry void and similarly have a very limited visual impact upon the AONB. Infilling of the quarry void would be undertaken at a lower level for significant parts of the infilling operation, although parts of the infilling would need to take place at the level of surrounding land, thus visual impacts upon the AONB from operations within the site during this operational phase of the development would be minimised and would enable the eventual restoration of the quarry. (A more detailed assessment of permanent and temporary visual impact is given in paragraphs 4.59 to 4.64 below.) Vehicle movements generated by the infilling operation would in themselves create a visual impact within the AONB. Quarries and the associated traffic have been a feature of the area thus such vehicle movements are not out of character with the area. The development would generate a maximum of 11 HGVs (22 vehicle movements) accessing the site per day and this can be controlled by condition.
- 4.59 One of the 'special qualities' of the Cotswold AONB identified by the Cotswold Conservation Board is 'Tranquillity', which it considers to be one of the features that makes the area so outstanding. The Board's Position Statement on Tranquillity defines it as a state of calm and quietude associated with peace, experienced in places with mainly natural features and / or historic character, free from man made noise and other aural and visual disturbance. It goes on to states that, the Cotswold AONB has relatively high levels of tranquillity, especially when compared with surrounding urban areas. However, it considers that there is serious risk that the tranquillity of the AONB could decline as a result of increasing levels of development, infrastructure and visitor numbers. Set against this the statement acknowledges that some level of noise and other aural and visual disturbance from development is inevitable, although adverse impacts on tranquillity

should be avoided and minimised as far as possible. In this respect vehicle numbers and routing, as well as noise generated on site can be controlled by condition in order to minimise impacts upon tranquillity.

- 4.60 Policies within the Stratford-on-Avon District Core Strategy seek to support the rural economy, including tourism and leisure. Policy CS.24 supports small scale tourism and leisure schemes where they are appropriate in size and scale to the setting and character of the area. This includes within areas that are statutorily designated for their natural and cultural heritage qualities. The application site is located within an area that is acknowledged to be attractive to visitors and tourists and which includes visitor attractions. The proposed EcoPod development is small in scale and has been designed to be sensitive to the setting in terms of the style of cabin proposed and layout of the site, including landscape planting. Furthermore, the form and design of the EcoPod recreational development would not result in adverse impact upon the landscape qualities and scenic beauty of the AONB in the long-term. This aspect of the proposed restoration and after use of the site is therefore supported in general terms by planning policy.
- 4.61 Set against this are a number of wider policy constraints within the development plan which seek to ensure a satisfactory pattern of development in order to protect the natural and built environment and amenity of neighbouring occupiers from any adverse impacts resulting from development. All developments, including those involving the management of waste, have potential environmental effects and impacts. Subject to such effects and impacts being appropriately mitigated and managed the proposed development would accord with the policies contained within each of the applicable Development Plans and the NPPF. These matters are discussed below.

### **Amenity Issues**

- 4.62 Edgehill Quarry is located in a rural area on the edge of the village of Edgehill in close proximity to residential properties. The village itself lies immediately to the north-east of the quarry with nearest of this group of dwellings to the quarry separated by a distance of around 120 metres. A number of individual dwellings lying outside of the village are situated in close proximity to the quarry. Edgecombe House lies around 130 metres to the north-east, White Bottoms Farm is situated directly to the east of the quarry and is separated by a distance of around 30 metres and Grove End lies around 75 metres to the west of the quarry site on the opposite side of Edgehill Lane.

### **Noise**

- 4.63 The initial site setup, activities and equipment (operation of plant and equipment, movement of machinery and vehicles, etc) involved with processing materials within the SARF and infilling and compacting of

deposited material within the quarry void by their nature would all be sources of noise.

- 4.64 Activities undertaken to screen and grade the stockpiles of overburden on site have now been taking place for over three years. It is clear that activities undertaken on site in the summer of 2017 did create noise disturbance locally and resulted in complaints from nearby residents. The noise disturbance at that time was attributed to a defect within the screening machinery, which appears to have been resolved following repairs. Screening operations undertaken in more recent time are not believed to have resulted in specific noise complaint.
- 4.65 In order to limit any potential adverse noise impacts, initial site setup would include the construction of a 7-metre-high earth bund around the recycling area within the quarry void to provide noise mitigation. In addition, the application states that appropriate noise control measures would be adopted to ensure noise associated with the operation of the site was minimised. These measures would include ensuring all plant is kept well maintained with any defects rectified promptly; ensuring silencers on plant are effective; minimising drop heights; and, turning off plant when not in use.
- 4.66 Concern has been expressed by nearby residents about the proposed hours of operation during infilling of the site and operation of the SARF. It is proposed that the SARF and infilling operation would operate 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays with no operations on Sundays and Bank Holidays. These are standard operating hours for this type of operation and accord with those imposed on the existing overburden recycling works taking place on site. Hours of operation can be secured by condition and a suitably worded condition is proposed.
- 4.67 The submitted planning application included a noise assessment which included taking noise measurements at nearby properties and calculating the estimated noise levels from the proposed recycling operation and the placement of infill material within the quarry void. The assessment concludes that noise levels associated with the working of the site would be acceptable with appropriate working methods and the earth bund provided around the recycling area. The Environmental Health Officer at Stratford-on-Avon District Council has raised no objection to the proposed development subject to the existing noise limit conditions being repeated and noise monitoring being required. Suitably worded conditions are proposed.

#### **Air Quality/Dust**

- 4.68 The operation and movement of plant, machinery and HGVs would result in emissions to air. Additionally, handling and processing as well as the deposit and compaction of inert waste materials has the potential to generate dust.



- 4.69 The application sets out measures that could be used to minimise dust generation including; minimising the working of material in very dry windy conditions, reducing drop heights, controlling vehicle speeds, use of water sprays and wetting down with a bowser when necessary, site haulage kept to designated haul routes and unmade access roads should be kept in good repair.
- 4.70 The submitted application included a dust and air quality assessment which focused on potential air quality and dust impacts from the proposed SARF and infilling operation. The report concluded that provided the suggested dust mitigation measures are formally adopted into a Dust Management Plan, there would be no more than slight adverse effects as a result of the proposed development at, or near, receptors with the vast majority of receptors expected to experience no more than negligible effects. The generic dust mitigation measures could be enhanced by site specific controls thus further reducing the risk of adverse impacts. The assessment concludes that the proposed development can be operated in a manner unlikely to cause significantly adverse air quality or dust impacts.
- 4.71 The Environmental Health Officer at Stratford-on-Avon District Council has reviewed the dust and air quality assessment and accepts its conclusions and has no objection subject to the imposition of conditions to control dust. Suitably worded conditions are proposed.
- 7.72 The proposed Dust Management Plan would form part of the Environmental Permit administered and monitored by the Environment Agency. Planning guidance advises that planning authorities should not concern themselves with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Notwithstanding this, it is accepted that additional dust mitigation measures may be required. In addition, dust has been raised as a concern by nearby residents. In order to ensure that appropriate measures are put in place to control dust emissions it would not be unreasonable to secure a Dust Management Plan via development management procedures. A Dust Management Plan and dust monitoring scheme could be secured by planning conditions. Suitably worded conditions are proposed.

#### **Wind Blown Litter**

- 7.73 The application states that strict management procedures would be employed to ensure the effective management of wind-blown litter, in accordance with the conditions of the Environmental Permit for the operations, issued and monitored for compliance by the Environment Agency. Soils and aggregates from construction and demolition sites is unlikely to contain materials that would be susceptible to wind blow, however, any loads that are delivered containing lighter fractions of

material such as papers or plastics not immediately visible to the operators prior to tipping of the load, would be immediately covered to prevent any wind-blown litter. If the material does not comply with the Environmental Permit issued by the Environment Agency the materials would be removed from the site. If the load does comply and there is potential for lighter fractions to become wind-blown, the operators would ensure that the material is processed in calm conditions and the lighter fractions, once removed, would be stored appropriately to ensure that there is no risk of them becoming wind-blown.

### **Landscape & Visual Impact**

- 4.74 Edgehill Quarry currently appears as a quarry void in the landscape. Whilst the external boundaries are delineated by mature hedgerows the quarry void very much remains a despoiled or damaged landform. Visually the site appears as a former mineral working. Notwithstanding this, views of and into the site are relatively limited and localised. The existing overburden reprocessing operations taking place on site are reasonably well screened from view by the topography and boundary vegetation which limits visual and landscape impact.
- 4.75 Edgehill Quarry is situated on the edge of the village of Edgehill and is located at a highpoint in the landscape with a steep wooded escarpment to the west and a rolling landscape to the east. Agriculture is the dominant land use interspersed with distinctive local settlements. The site is located on the northern fringe of the Cotswolds AONB which is a recognition of its high landscape value and special qualities. The immediate surroundings are of high landscape value.
- 4.76 Visual impact of the proposed development needs to be considered in both the short and long term.
- 4.77 In the short term, initial site setup, including creation of the bunded SARF area, operation of the SARF and infilling of the quarry void, including operation of plant and machinery, all have the potential to be visible from outside of the quarry site. The SARF would however be located at the base of the quarry and enclosed by earth bunds and the quarry face which would effectively screen this operation. The infilling operation would be similar in nature to the overburden recycling activities currently taking place on site as well as the processes and activities involved with the creation of the quarry. Visually the impacts of these operations would be evident in the immediate surroundings of the site, particularly as the quarry void is progressively infilled, resulting in machines operating at near surrounding ground levels, but would quickly dissipate with distance. Upon completion of the operational infilling phase of the development, the SARF and plant and machinery would be removed from the site as the final restoration is completed. Thus, the negative impacts of this aspect of the development would be towards the low end of visual impact and time limited.

- 4.78 In the long term, the infilling and restoration of the site is itself the primary means of mitigating adverse landscape and visual impacts. The infilled site would be returned to near original ground levels tying into the surrounding topography, removing the after-effects of previous mineral extraction. The restored site would include new water bodies, wetland features, substantial tree planting, woodland creation, scrub and landscaping which would also assist with linking the restored site into the surrounding landscape. The EcoPod development would be located towards the southern end of the site and enclosed by landscape planting which has been designed to screen this element of the development. The EcoPods would be low profile and of a design and construction appropriate to the rural setting. The restored site would result in a more sympathetic natural landform, appropriate to the setting and surrounding landscape. The restored site would integrate into the surroundings and in the long term the restoration scheme would enhance the visual and landscape impact of the site. This would be an overall benefit in the long term to the character of the landscape and visual amenity of the area.
- 4.79 The submitted planning application included a Landscape and Visual Impact Assessment (LVIA). The LVIA assessed the number of viewpoints that represent the main key publicly accessible locations where there could potentially be views of the proposed development. The proposed recycling and infilling operational works and completed restoration proposals were assessed to either be not visible, or would have very little influence on views, being limited to glimpsed filtered views through the existing vegetation in winter. The LVIA also considered that the proposed woodland would strengthen the existing tree belts within the site and within views to the east and south would visually merge with other existing woodland on the fringes of Edgehill and along the escarpment. The LVIA therefore concludes that there would be no significant effects on views and that the proposed development would be appropriate in relation to landscape and visual matters. The County Council's Landscape Team have assessed the development and conclude that in landscape and visual terms the proposed development and restoration would have minimal impact with the restoration proposals helping to tie the development into the wider landscape setting.

### **Lighting**

- 4.80 Lighting and potential light pollution has been expressed as a concern in respect of both the short and long term aspects of the development proposals. The application states that some lighting would be required within the recycling facility for health, safety and security reasons. This will be designed to prevent the dispersal of the light beyond the site wherever possible. During the infilling phase, downward facing floodlights with shields would be set below the surrounding landform within the recycling facility which would only be lit when necessary during operational hours. The EcoPod development would incorporate

external lighting. The application states that low level pedestal lights would be used around the EcoPods incorporating timed use of lights and PIR sensors would also restrict light use to times when lighting is necessary. These measures would all be designed to help to preserve the existing level of dark skies at Edgehill and the surroundings. Details of lighting to be used in connection with both aspects of the development could be secured by condition. Appropriately worded conditions are suggested.

### **Transport, Highways & Vehicle Movements**

- 4.81 Traffic generation and vehicle movements and the consequent impact upon the lives of residents and visitors to the area as well as to the buildings and fabric of the historic village is a significant concern to the local community. HGV traffic associated with infilling of the quarry void and operation of the SARF is the key concern in this respect with the narrow nature of the road through Edgehill highlighted.
- 4.82 The existing overburden recycling operation taking place on site generates HGV vehicle movements. The planning permission permitting this activity restricts the numbers of HGVs accessing the quarry to 10 per day and requires that vehicles are routed away from the village of Edgehill. Although representations received mention vehicles travelling through the village no details have been provided to enable this to be verified. More recently however an incident has occurred whereby agricultural vehicles were used to transport stone from the quarry to a nearby site which resulted in these vehicles being routed through the village.
- 4.83 Access into the site by HGVs associated with infilling of the site and operation of the SARF would be via the existing vehicular site access off the C69 Edgehill Lane. The site access would be reconstructed and improved to a standard that would be acceptable in terms of highway standards.
- 4.84 The application states that operation of the SARF and infilling operation would generate a maximum of 11 HGVs (22 vehicle movements) accessing the site per day. This amounts to one more HGV per day than is currently permitted to access the site in association with the existing overburden recycling operation, which is not a significant increase. A maximum of 11 HGVs a day in itself is not a substantial number and can be controlled by condition. A suitably worded condition is suggested.
- 4.85 The application states that vehicles delivering waste to the site would be instructed to approach from the south by turning off the A422 onto the C69 Edgehill Lane. All vehicles leaving the site would be instructed to turn left out of the site towards the A422 via Edgehill Lane. On this basis none of the HGVs accessing the site would travel through the village of Edgehill. The application anticipates that any planning

permission granted would be subject to a Section 106 Legal Agreement controlling vehicle routing and movements. A formal vehicle routing agreement of this nature can specify in detail routes permitted to be used by vehicles accessing sites and any sanctions that may be appropriate should vehicles/drivers breach the approved routing. The routing of vehicles is clearly a key concern for the residents of Edgehill. A formal vehicle routing agreement would therefore be appropriate and would be legally enforceable.

- 4.86 The potential for mud and detritus to be deposited on the highway from vehicles accessing the site has also been highlighted as a concern. The application proposes the construction of an improved access into the site which would be hard surfaced with concrete or tarmac, the internal roadway into the SARF would be similarly hard surfaced and a wheel wash would be provided on site. These features would ensure that potential adverse impact upon the condition of the highway would be minimised. Appropriately worded conditions are suggested to ensure that these elements of the development are provided and maintained throughout this part of the development.
- 4.87 Access to the site in the longer term in connection with the leisure after use would also be via the existing highway access off the C69 Edgehill Lane. The 10 EcoPods would generate an average of 23 vehicle movements per day which is considered to be acceptable in highway terms.
- 4.88 The submitted application included a Transport Statement which assessed the traffic and access aspects of the development. WCC Highways raise no objection to the proposals subject to the imposition of suitably worded conditions. The proposed development therefore accords with planning policy in this respect.

### **Ecology**

- 4.89 Prior to works commencing on site to reprocess the overburden stockpiles, currently being carried out under the existing planning permission, large parts of Edgehill Quarry had remained undisturbed for a number of years. As a result, many areas of the quarry had naturally revegetated with evidence of activity by a number of notable species within the site. As a result, the site has been identified as a potential Local Wildlife Site. The works undertaken to date on site over the past three years have resulted in most of the overburden being disturbed and processed with vegetation removed. Existing vegetation and potential habitats are restricted to the boundaries of the site.
- 4.90 Prior to submission of the application the applicant commissioned an ecological appraisal of the site. The entire site was assessed for its potential to support protected species. The assessment found the site to be of limited ecological value with the development proposals unlikely to result in significant adverse effects on habitats and protected

species. However, due to the timescale and phased nature of the development it recommends that a precautionary approach be taken to the potential presence of protected species going forward, including a combination of update walkover and protected species surveys if necessary.

- 4.91 The development design and restoration proposals seek to enhance the Site's current ecological values and interests. Within the development proposals all boundary trees and hedgerows would be retained and protected, as would the quarry face at the southern end of the site. The restoration proposals include new habitat creation, wildlife friendly landscaping and other ecological enhancements. This includes the creation of new areas of native marginal woodland, combined with woody scrub and rough grassland, new hedgerows and wildflower grassland and a series of water bodies.
- 4.92 The application included a Biodiversity Impact Assessment (BIA) in order to establish baseline data and the potential enhancement that would be delivered following completion of the development. With the extensive new areas of ecologically valuable habitat proposed, much of which has been designed to deliver biodiversity enhancement, as part of the site restoration the BIA confirms that the post-restoration scheme has the potential to deliver 40% enhancement to habitats and 176% to linear features when compared to the existing baseline.
- 4.92 The County Ecologist accepts the findings of the BIA and of the ecological appraisal and recommends that any planning permission granted should include conditions to secure a Construction and Ecological Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) in order to ensure that any protected species encountered are protected and that the full benefits of the restoration scheme are secured and managed.

### **Historic Environment**

- 4.93 The history of mineral extraction across the site is such that the area to be infilled and used for the operation of the SARF is very much disturbed. A Heritage Assessment submitted with the application found that the site had no potential for archaeology of any significance and therefore the potential impact on below ground archaeology would not be harmful.
- 4.94 A number of buildings, structures and landscapes in and around Edgehill Quarry are of historic significance. The closest of which, Radway Grange Grade II\* Registered Park and Garden is located only a short distance to the north of the quarry on the opposite side of Edgehill Lane. The nearest listed building is separated from the quarry by in excess of 300 metres. A number of properties within the village, including the Castle Inn, are also listed for their historic significance.

- 4.95 The existing recycling and reprocessing operation being undertaken within the quarry void has resulted in no substantial impact on these heritage assets. Activities associated with the proposed development, including infilling of the quarry void and operation of the SARF, would be similar in nature to those currently taking place on site and therefore would result in no greater impact upon the off-site heritage assets. The operational part of the development would be temporary and time limited and would secure the restoration of the site in the longer term.
- 4.96 The restoration scheme would be predominantly nature conservation lead and in keeping with the rural environment. The EcoPod aspect of the development would be low-key, low-profile and predominantly visually contained within the site. Thus, in the long term the restoration proposals would not adversely impact upon the nearby heritage assets.
- 4.97 Potential damage to the historic village and heritage assets/properties located close to the highway resulting from HGVs accessing the application site through Edgehill itself has been raised as a key concern by residents. The application makes it clear that vehicles accessing the site would be instructed to approach and leave from/to the south via the A422 onto the C69 Edgehill Lane. On this basis none of the HGVs accessing the site would travel through the village of Edgehill. It is proposed that this is formalised and secured by a Section 106 Legal Agreement controlling vehicle routing and movements.

### **Geology**

- 4.98 Edgehill Quarry is designated a Local Geological Site. This designation recognises the presence of representative rock exposures from the Lower Jurassic Marlstone Rock Formation. The remaining rock faces are located around the periphery of the quarry and are in varying condition. The quarry face along the southern boundary of the void remains in the best undisturbed state. The restoration plans propose to retain this face undisturbed as a representative geological feature for educational purposes in the long term.

### **Flood Risk, Drainage & Water Quality**

- 4.99 Initial site investigations included a hydrogeological risk assessment. The assessment comprised an initial walkover survey of the site and its immediate surroundings, a detailed desk-based assessment and onsite exploration and testing which involved drilling three rotary boreholes. The underlying Marlstone rock formation and the Dyrham formation are classified as secondary aquifers, however, the site is not within a designated Source Protection Zone (SPZ) for potable water supply. Ground water was not encountered during the drilling of the boreholes which were drilled to a depth of 10 metres BGL. The hydrological report concluded that there are no significant risks to controlled waters during or following the proposed restoration and development works.

- 4.100 The Environment Agency have reviewed the Hydrogeological Risk Assessment submitted and agree with the conclusions of the report that there are no significant risks to “Controlled Waters” during or following the proposed restoration and development works. The Environment Agency also foresee no risk of deterioration in the quality of the underlying aquifer resulting from the development. The Environment Agency therefore raise no objection to the development.
- 4.101 The application site is located within Flood Zone 1, thus is an area least likely to flood. A Flood Risk Assessment and SuDs drainage report was submitted with the application. The assessment demonstrated how surface water would be monitored and managed during the infilling stage of the development and that the proposed restoration scheme, including wetland and water features would provide adequate attenuation for all events up to and including the 1:100 year plus 40% climate change event.
- 4.102 The Lead Local Flood Authority agree with the findings of the Flood Risk Assessment subject to conditions to secure a detailed surface water drainage scheme and its long-term maintenance. Suitably worded conditions are suggested.

### **Environmental Permitting**

- 4.103 The proposed facility falls under the remit of the Environmental Permitting Regulations (England and Wales) 2016. The applicant would therefore need to secure Environmental Permits from the Environment Agency in advance of the infilling commencing and the SARF operating. The Permit would contain conditions to protect the environment and human health. Typically, conditions would cover; waste inputs, process controls, waste types (ensuring only inert and suitable materials will be used in the right volume and with no detrimental effects to the environment), etc. As part of the permit application, it must be demonstrated with evidence that the deposition of materials will not pose risks to “Controlled Waters”.
- 4.104 Both the NPPF and NPPW (National Planning Policy for Waste) make it clear that Waste Planning Authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Both documents make it clear that Waste Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
- 4.105 The Environment Agency has indicated no concerns in respect of the site securing a permit and being able to operate within the provisions of the Permitting regime.



## **Waste Types**

- 4.106 Concern has been raised about the waste types that would be accepted, processed and deposited on site. The concern is that the imported materials could potentially be wider than the inert waste specified in the application, possibly including hazardous wastes. The application states that the SARF would recycle inert construction and demolition wastes and that the quarry void would be infilled with inert waste only. The application states that the site would not accept hazardous wastes. The application however acknowledges that waste materials arriving at the site may contain elements of timber, glass, metal and plastic components mixed in small quantities within the soils, clays and rubbles. These materials will be screened out through the recycling and recovery process and removed from site to be re-used or disposed of elsewhere.
- 4.107 The Environmental Permit required to be in place before operations could commence on site would include a Waste Recovery Plan. This would set out in detail the types of waste that would be accepted at the site, the processes that would be involved in its recycling and the methodology for placing the recovered waste soils and clays into the void in order to restore the quarry. The Environmental Permit would set out in detail the types of material that can be accepted at the site and how the site would operate. Whilst there would be overlap with the Permitting regime, this is clearly a concern to the local community. It would therefore not be unreasonable to impose a condition specifying that only inert waste is deposited on site. A suitably worded condition is suggested.

## **Restoration**

- 4.108 The proposed restoration scheme would result in the site being infilled to near original ground levels. The restored landform would link into the surrounding topography, appearing more natural and integrated. The restoration proposals seek to strike a balance between landscape enhancement and habitat creation, whilst incorporating a leisure use in the form of a small recreational development comprising 10 EcoPods for short term holiday let. The restored site would include a mosaic of habitats and landscape features which in the long term would be an enhancement to the surroundings. The restored landform would enhance the landscape character of the site and surroundings. The proposed restoration scheme would deliver a more diverse habitat mosaic which would result in wider biodiversity benefits in the long term.

## **5. Conclusion**

- 5.1 The proposed infilling and restoration of Edgehill Quarry would be carried out over a period of 12 years. The application site is located in close proximity to the village of Edgehill and residential properties. The

proposed development by its very nature could potentially have adverse environmental effects and impacts during operation of the Soils and Aggregates Recycling and Recovery Facility and infilling and restoration of the site if not operated and managed appropriately.

- 5.2 Consultation with statutory consultees however demonstrates that appropriate controls and conditions could be imposed to allow the development to be carried out in this location. The advice received indicates that subject to mitigation measures proposed, including screen bunds around the SARF, and with the implementation of suitably worded conditions the effects and impacts of the development on the built and natural environment and residential amenity could be controlled to acceptable level.
- 5.3 The proposed development would allow Edgehill Quarry to be infilled and restored. The site is visually well contained due to the influence of landform, vegetation on the fringes of and within the vicinity of the site. The site would be returned to near original ground levels. The restored landform would link into the surrounding topography, appearing more natural and integrated. The proposed restoration scheme, once complete, would provide a sustainable restored landform and afteruse of the former mineral working including long term management and biodiversity benefits. This would be an overall benefit in the long term.
- 5.4 Edgehill Quarry is situated within a rural location within the Cotswold Area of Outstanding Natural Beauty. Within the AONB planning policies seek development proposals to conserve and enhance the special landscape qualities and scenic beauty of the area. The site is an existing worked out quarry void so in this respect does not conserve or enhance the quality of the landscape in its current form. The proposed Soils and Aggregates Recycling and Recovery Facility (SARF) would be developed on the base of the quarry void and infilling of the quarry void would be undertaken at a lower level for significant parts of the infilling operation, thus impacts upon the AONB during this operational phase of the development would be minimised and would enable the eventual restoration of the quarry. The proposed development would secure infilling of the quarry void restoring the site to previous ground levels that existed prior to quarrying activities taking place across the site. Combined with the proposed restoration landscaping scheme and habitat creation the proposals would, in the long-term, be beneficial and result in enhancement of a former mineral working within the AONB.
- 5.5 The Soils and Aggregates Recycling and Recovery Facility would enable waste materials arriving at the site to be pre-treated prior to deposit within the quarry void thus allowing recovery and reuse of any recyclable materials with only inert materials with no scope for reuse deposited within the quarry void. Allowing reusable materials to be recovered and reused as a resource prior to the residue inert waste being deposited on site, has sustainability benefits and is supported by

planning policy. The development proposals would enable a waste material to be put to a positive use infilling and restoring a void remaining following mineral extraction, which gains general policy support.

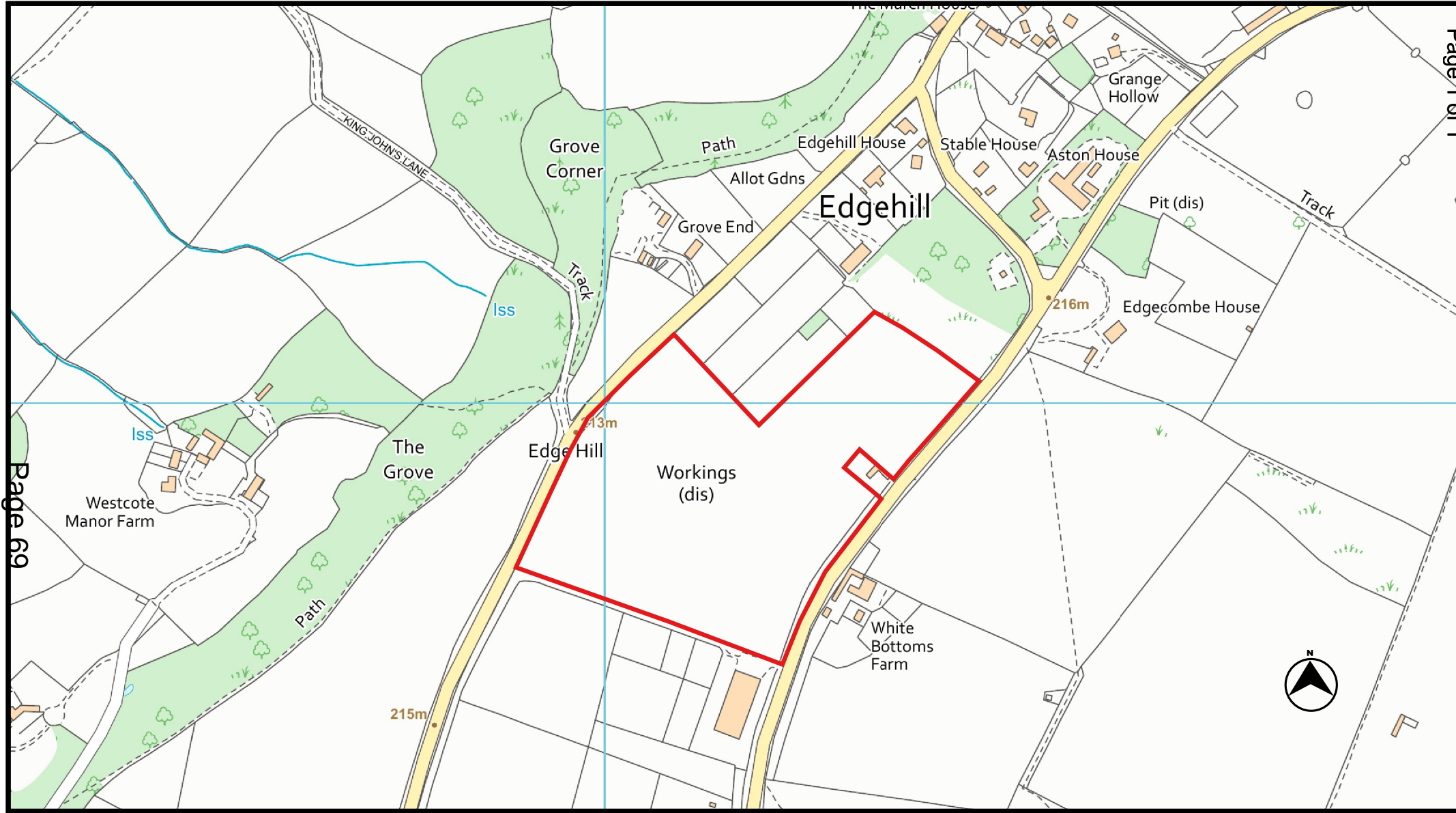
- 5.6 The restoration scheme includes a small recreational development of 10 EcoPods for short term holiday let. Small scale tourism and leisure schemes are supported by planning policy where they are appropriate in size and scale to the setting and character of the area. This includes within areas that are statutorily designated for their natural and cultural heritage qualities. The application site is located within an area that is acknowledged to be attractive to visitors and tourists and which includes visitor attractions. The proposed EcoPod development is small in scale and has been designed to be sensitive to the setting in terms of the style of cabin proposed and layout of the site, including landscape planting. The form and design of the EcoPod recreational development would not result in adverse impact upon the landscape qualities and scenic beauty of the AONB in the long-term. This aspect of the proposed restoration and after use of the site is therefore supported in general terms.
- 5.7 It is therefore concluded that the proposed development accords with the policies contained within the relevant Development Plans and on balance is a proposal that can be supported.

## 6. Supporting Documents

- 6.1 Submitted Planning Application – Planning reference SDC/20CM009
- 6.2 Appendix A – Map of site and location.
- 6.3 Appendix B – Planning Conditions.

	<b>Name</b>	<b>Contact Information</b>
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Portfolio Holder	Cllr Wallace Redford	

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**Application No: SDC/20CM009**  
**Edgehill Quarry, Edgehill, Banbury**  
**Infilling of quarry to include temporary soils and aggregates recycling**  
**and restoration to provide 10 Recreational EcoPods.**

Regulatory Committee 08 June 2021  
 Scale 1:5000 Drawn by: SP Dept: Communities

Warwickshire County Council  
 Shire Hall  
 Warwick, CV34 4SA  
 Telephone (01926 410410)  
[www.warwickshire.gov.uk](http://www.warwickshire.gov.uk)



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## Appendix B

### Regulatory Committee - 8 June 2021

#### Edgehill Quarry, Edgehill

### Infilling of Redundant Quarry to include Temporary Aggregates Recycling Facility and Restoration to provide 10 Recreational EcoPods

#### SDC/20CM009

##### Planning Conditions.

1. The development hereby permitted shall be commenced no later than 3 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 with application reference no. SDC/20CM009 and in accordance with drawing numbers:

BAUGEQ-1-1-003 Rev. L,  
BAUGEQ-1-1-004 Rev. B,  
BAUGEQ-1-1-006 Rev. C,  
BAUGEQ-1-1-008 Rev. D,  
BAUGEQ-1-4-001 Rev. B,  
BAUGEQ-1-5-001 Rev. B,

and any other details or samples approved in accordance with the conditions attached to this planning 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 a satisfactory standard of development.

##### Infilling and Soils and Aggregates Recycling and Recovery Facility

3. No development shall take place unless the County Planning Authority has first been informed of the date of commencement.

**Reason:** In order to secure a timely restoration of the site to protect the amenities of local residents.

4. The delivery of waste materials to the site and infilling of the quarry void shall cease no later than 12 years from the date of commencement.

**Reason:** In order to secure a timely restoration of the site to protect the amenities of local residents.

1. The Soils and Aggregates Recycling and Recovery Facility shall cease operation and all plant, machinery and infrastructure shall be removed from the site no later than 12 years from the date of commencement.

**Reason:** In order to secure a timely restoration of the site to protect the amenities of local residents.

6. All physical works associated with the restoration of the site in accordance with drawing number BAUGEQ-1-1-003 Rev L shall be completed no later than 12 years from the date of commencement.

**Reason:** In order to secure a timely restoration of the site.

7. The development hereby permitted shall not commence until the existing vehicular access to the site from the public highway C69 Edge Hill Lane has been widened in general accordance with drawing number BAUGEQ-1-1-009.

**Reason:** In the interests of highway safety.

8. The development hereby permitted shall not commence until the existing vehicular access to the site from the public highway C69 Edge Hill Lane has been surfaced with a bound macadam material, and wheel washing facilities have been provided, in general accordance with drawing number BAUGEQ-1-1-004 Rev A.

**Reason:** In the interests of highway safety.

9. The development hereby permitted shall not commence until visibility splays have been provided to the vehicular access to the site from the public highway C69 Edge Hill Lane in accordance with drawing number BAUGEQ-1-1-006 Rev C. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

**Reason:** In the interests of highway safety.

10. The development hereby permitted shall not be commenced until full details of the infrastructure, plant and machinery to be provided within the Soils and Aggregates Recycling and Recovery Facility (SARF) have been submitted to and approved in writing by the County Planning Authority. The submitted details should include full details of:



- the entrance gates and boundary treatment at the site access;
- construction details of the internal access road;
- wheel wash;
- weighbridge;
- the type and specification of the plant processing plant and equipment to be operated on site;
- storage bays;
- single storey welfare facilities and office;
- external lighting; and,
- parking area for HGVs and staff cars.

Following approval, no waste material shall be accepted on site until the SARF has been developed in accordance with the approved details. The approved infrastructure, plant and machinery shall be retained on site and in good working order for the duration of the development.

**Reason:** In order to secure satisfactory development of the site and to protect the amenity of the area and nearby occupiers.

11. No waste material shall be accepted on site until the 7 metre high (above the quarry floor so that the resulting height is at least 2 meters above the surrounding ground level) earth bund shown on drawing number BAUGEQ-1-1-004 Rev. B, has been constructed around the Soils and Aggregates Recycling and Recovery Facility (SARF).

**Reason:** In order to secure satisfactory development of the site and to protect the amenity of the area and nearby occupiers.

12. The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the County Planning Authority. The plan shall include details of planting including species used and sourcing of plants. The Plan shall also include details of habitat enhancement and creation measures and arrangements for the maintenance and management of planting and habitats. Such approved measures shall thereafter be implemented in full.

**Reason:** To ensure a net biodiversity gain in accordance with NPPF.

13. The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. The submitted CEMP shall include details concerning pre-commencement checks for badger, reptiles and breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed CEMP shall thereafter be implemented in full.

**Reason:** To ensure that protected species are not harmed by the development.

14. The development hereby permitted shall not be commenced until a detailed dust management plan has been submitted to the County Planning Authority for approval in writing. The submitted plan shall, as a minimum, include the measures identified in DustScan AQ report dated August 2019. The approved dust management plan shall be implemented in full for the duration of the development.

**Reason:** To minimise the impacts, relating to the generation of dust, on the amenities of the area.

15. Six months prior to the start and finish of works at each stage of the development as indicated in the noise report a schedule of works shall be submitted to the County Planning Authority for approval in writing. The development shall be undertaken in accordance with the approved schedule of works.

**Reason:** In order to limit the noise impact on nearby residential properties.

16. The development hereby permitted shall not be commenced until a detailed noise monitoring scheme, to monitor compliance with Condition 29, has been submitted to the County Planning Authority for approval in writing. Noise monitoring shall be undertaken, as a minimum, upon the commencement of operations within the Soils and Aggregates Recycling and Recovery Facility (SARF), the commencement of operations at each stage of infilling of the quarry void, when infill materials in each stage are within 1 metre of surrounding ground levels and when the planning authority considers there to be reasonable cause. The monitoring shall be undertaken at the most appropriate receptor for a period of at least 2 hours when the site is operating normally.

**Reason:** In order to limit the noise impact on nearby residential properties.

17. The development hereby permitted shall not be commenced until a detailed plan identifying post restoration site levels has been submitted to and approved in writing by the County Planning Authority. Following approval, the site shall be infilled and restored in accordance with the approved levels.

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

18. No waste material other than inert soils, clays, concrete, stones and rubble shall be accepted on the site.

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

19. The delivery of waste to the site, export of materials from the site, operation of the Soils and Aggregates Recycling and Recovery Facility and infilling and restoration of the site shall not be carried out except between the following hours:

0800 – 1800 hours Monday to Friday  
0800 – 1300 hours Saturday

There shall be no operations or uses on Sundays and Public Holidays.

**Reason:** In order to protect the amenity of nearby residents.

20. No vehicle shall enter or leave the site other than via the existing access off the Edgehill Lane (C69).

**Reason:** In the interests of highway safety.

21. No heavy goods vehicles associated with the development shall enter or exit the site unless via Edgehill Lane (C69) from its junction with the A422, turning right when entering and left when exiting the site, and not through the village of Edgehill. Signage shall be erected at the site entrance and maintained in place for the duration of the development permitted by this planning permission, advising that drivers of HGVs exiting the quarry to turn left only out of the site.

**Reason:** In the interests of highway safety and residential amenity.

22. No more than 22 HGV movements (each entry or departure constituting one movement) shall take place per day during the operations hereby permitted.

**Reason:** In the interests of highway safety.

23. No mud or debris shall be carried onto the public highway. To facilitate this the site access road shall be maintained in a clean condition at all times. In the event that material is inadvertently deposited it shall be removed immediately.

**Reason:** In order to protect the amenity of the area.

24. All loaded lorries entering and leaving the site shall be sheeted or netted as appropriate.

**Reason:** In order to protect the amenity of the area.

25. At no time during operations undertaken on site for the purpose of the development hereby approved shall any operations take place which, despite the use of the dust control measures, would give rise to airborne dust levels sufficient to cause nuisance to habitable properties located within the vicinity of the site.

**Reason:** In order to protect the amenity of the area and nearby residents.

26. Operations shall be suspended when wind conditions are or are likely to result in visible dust being carried towards off site receptors.

**Reason:** In order to protect the amenity of the area and nearby residents.

27. Adequate piped supply of water to the site, to aid in dust suppression, shall be maintained on site for the duration of the development.

**Reason:** In order to protect the amenity of the area and nearby residents.

28. Dust suppression equipment such as road washers and water bowsers are available to use on site at all times for the duration of the development.

**Reason:** In order to protect the amenity of the area and nearby residents.

29. The noise level from the development hereby permitted including any plant and equipment and operations thereon shall not exceed 46dB LAeq 1 hour at any point 3 metres from the nearest façade of any nearby residential property. Noise shall be measured in accordance with BS7445.

**Reason:** In order to limit the noise impact on nearby residential properties.

30. Machinery and vehicles used on the site shall be maintained and silenced to comply with the best practicable standard.

**Reason:** In order to protect the amenity of the area and nearby residents.

## EcoPods

31. No EcoPods shall be installed or erected on site until full design details, including scale drawings, construction materials, visual appearance and method of construction and installation, have been submitted to and approved in writing by the County Planning Authority. Following approval, the EcoPods shall be installed and retained in accordance with the approved details.

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

32. No EcoPods shall be installed or erected on site until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual
- Include detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements.
- Demonstrate the performance of the drainage system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.

**Reason:** To prevent the increased risk of flooding.

33. No occupation and subsequent use of the EcoPods shall take place until a detailed maintenance plan has been submitted to and approved in writing by the County Planning Authority. The submitted plan shall give details on how surface water systems shall be maintained and managed for the lifetime of the development.

**Reason:** To ensure the future maintenance of the sustainable drainage structures.

34. No EcoPod on the site shall be occupied until the public highways D6434 Edge Hill and D6433 Quarry Road have been improved so as to provide for footways and footpaths linking the proposed EcoPods to the existing footway on Quarry Lane in general accordance with drawing number BAUGEQ-1-1-003 Rev L. The pedestrian access to the site and footpaths and footways within the site shall thereafter be kept available and maintained in a condition fit for use by occupiers of the EcoPods at all times when the EcoPods are occupied.

**Reason:** In the interests of highway safety.

35. No EcoPod on the site shall be occupied until a pair of bus stops, each incorporating hardstanding and a bus stop pole with flag and timetable case, have been provided in the public highway D6433 Quarry Road in accordance with a scheme approved in writing by the County Planning Authority.

**Reason:** In order to improve accessibility and reduce reliance on transport by car.

36. No EcoPod on the site shall be occupied until the existing vehicular access to the site from the public highway C69 Edge Hill Lane has been remodelled in general accordance with drawing number BAUGEQ-1-1-006 Rev C.

**Reason:** In the interests of highway safety.

37. No EcoPod on the site shall be occupied until all parts of the existing accesses within the public highway not included in the means of access hereby permitted for use following restoration have been closed and the verge has been reinstated in accordance with the standard specification of the Highway Authority.

**Reason:** In the interests of highway safety.

38. The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site has been submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling.

**Reason:** In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

39. The use of the site hereby permitted following restoration shall be restricted to the stationing of the approved Eco-Pods only and shall not be used for the permanent stationing of any caravans, motorhomes or campervans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

**Reason:** In order to ensure the satisfactory development of the application site, to safeguard the visual amenity of the locality, the Cotswolds AONB and in the interests of highway safety and to ensure that the accommodation is not used for permanent residential occupation which, given the countryside location would represent an unsustainable form of development in accordance with Policies CS.5, CS.9, CS.11, CS.15, CS.22, CS.24, CS.26 and AS.10 of the Stratford-on-Avon Core Strategy (2011-2031).

40. The Eco-Pods hereby permitted to be stationed on the site shall only be used for holiday accommodation and shall not be occupied at any time as a person's sole or main place of residence.

**Reason:** In order to ensure the satisfactory development of the application site, to safeguard the visual amenity of the locality, the Cotswolds AONB and in the interests of highway safety and to ensure that the accommodation is not used for permanent residential occupation which, given the countryside location would represent an unsustainable form of development in accordance with Policies CS.5, CS.9, CS.11, CS.15, CS.22, CS.24, CS.26 and AS.10 of the Stratford-on-Avon Core Strategy (2011-2031).

41. The Eco-Pods hereby permitted shall not be stationed or positioned anywhere on the site apart from on the identified pitches set out on approved drawing BAUGEQ-1-1-003 Rev.L – Proposed Quarry Restoration Plan.

**Reason:** To define the permission in line with the approved landscaping (in order to allow it to establish effectively) and layout submitted and to ensure that the development meets the design quality and environmental requirements of Policies CS.5, CS.9, CS.11 and AS.10 of the Stratford-on-Avon Core Strategy (2011-2031).

42. There shall be no more than 10 Eco-Pods present on the site at any time.

**Reason:** In order to ensure the satisfactory development of the application site, to safeguard the visual amenity of the locality and in the interests of highway safety and to ensure that the development would represent an appropriate scale and not an unsustainable form of development in accordance Policies CS.5, CS.9, CS.11, CS.15, CS.22, CS.24, CS.26 and AS.10 of the Stratford-on-Avon Core Strategy (2011-2031).

43. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development included in Part 5, Class A of Schedule 2 to that Order shall be carried out on the site without planning permission being granted by the County Planning Authority.

**Reason:** In order to ensure the impact of the development on the amenity of nearby properties, the Cotswolds AONB and the character and appearance of the locality is acceptable in accordance with Policies CS.5, CS.9, CS.11 and CS.15 of the Stratford-on-Avon Core Strategy (2011-2031). There is a need to remove temporary use rights in order to ensure that the impact of any future change in the activities within the site, even those occurring on a temporary basis, can be formally controlled.

44. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in on any part of the site, whether before or after restoration, except in accordance with a detailed scheme (which shall provide for lighting that is low level, hooded and directional) which has been submitted to and approved in writing by the County Planning Authority. Any such scheme shall be implemented in accordance with the approved details and retained thereafter.

**Reason:** In order to safeguard the natural environment, amenities of nearby occupiers, the Cotswolds AONB and the character and appearance of the locality, having regard to Policies AS.10, CS.5, CS.6, CS.9 and CS.11 of the Stratford-on-Avon District Core Strategy 2011-2031.

45. The use of the site as holiday accommodation hereby permitted shall not be commenced until the internal roads and parking areas have been laid out in accordance with the approved details shown on plan no. BAUGEQ-1-1-003 Rev.L – Proposed Quarry Restoration Plan. Thereafter, the internal roads and parking space(s) shall be maintained and retained for such purposes and shall not be used for any other purpose than for the parking and manoeuvring of vehicles used by persons working at or visiting the site and shall be kept permanently free from any other forms of obstruction.

**Reason:** To ensure that safe, adequate and convenient on-site parking spaces are provided and thereafter retained in the interests of public safety and convenience, having regard to Policy CS.26 of the Stratford-on-Avon District Core Strategy 2011-2031.

46. The use of the site as holiday accommodation hereby permitted shall not be commence until the soft landscaping detailed on plan no. BAUGEQ-1-1-008 Rev.D – Proposed Landscaping Plan has been fully implemented. The soft landscaping shall thereafter be protected, maintained and managed in accordance with the approved details.

**Reason:** To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits, and to enhance the setting within the immediate locality, having regard to Policies CS.5, CS.6, CS.9, CS.11 and AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031.



47. There shall be no public address system operated within the Eco-Pod site hereby permitted.

**Reason:** In the interests of minimising harm and disturbance to the Cotswolds AONB, the new areas of planting and wildlife habitats, and the general character and appearance of the landscape having regard to Policies CS.5, CS.6, CS.9 and CS.11 of the Stratford-on-Avon District Core Strategy (2011-2031).

Notes:

- a. Condition numbers 7, 8, 9, 34, 35, 36 and 37 require works to be carried out within the limits of the public highway. The applicant / developer must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice. Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months notice will be required.

- b. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

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

### **Minerals Local Plan for Warwickshire – saved policies (Adopted February 1995)**

Policy M9 – Site Restoration

### **Stratford-on-Avon District Core Strategy (Adopted July 2016)**

Policy CS.1 – Sustainable Development

Policy CS.4 – Water Quality and Flood Risk

Policy CS.5 – Landscape Character

Policy CS.6 – Natural Environment

Policy CS.8 – Historic Environment

Policy CS.9 – High Quality Design

Policy CS.11 – Cotswold Area of Outstanding Natural Beauty

Policy CS.22 – Economic Development

Policy AS.10 – Countryside and Villages

Policy CS.24 – Tourism & Leisure

### **Warwickshire Waste Core Strategy (Adopted July 2013)**

Policy CS1 – Waste Management Capacity

Policy CS2 – Spatial Waste Planning Strategy for Warwickshire

Policy CS4 – Small scale waste sites

Policy CS7 – Proposals for disposal facilities

Policy DM1 - Protection and enhancement of the Natural and Built Environment

Policy DM2 - Managing Health, Economic and Amenity Impacts of Waste Development

Policy DM3 - Sustainable Transportation

Policy DM8 – Reinstatement, restoration and aftercare

### **Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.**

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019.

**Regulatory Committee - 8 June 2021**

**Conversion and adaptation of existing premises to include external works to form new Special Educational Needs and Disability School**

**Former RNIB Pears Site (renamed The Warwickshire Academy), Wheelwright Lane, Ash Green, Bedworth**

**NBB/21CC004**

Application No.: NBB/21CC004

Advertised date: 29 April 2021

Applicant Mr Craig Cusack,  
Warwickshire County Council  
Shire Hall  
Warwick  
CV34 4RL

Agent Mr Andrew Hardcastle  
Lungfish Architects Ltd  
2nd Floor, City Gate West  
Tollhouse Hill  
Nottingham  
NG1 5AT

Registered by: The Strategic Director for Communities on 20 April 2021

Proposal: Conversion and adaptation of existing premises to include external works, to form New Special Educational Needs and Disability School, to include new boundary fence, introduction of new parking and provision of external unlit sports pitches.

Site & location: Former Pears RNIB Site,  
Wheelwright Lane, Coventry, CV7 9RA.  
[Grid ref: 433603.284371].

**See plan in Appendix A**

## **Recommendation**

That the Regulatory Committee authorises the grant of planning permission for conversion and adaptation of existing premises to include external works, to form New Special Educational Needs and Disability School, to include new boundary fence, introduction of new parking and provision of external unlit sports pitches at the former Pears RNIB Site (renamed The Warwickshire Academy) subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

### **1. Application Details**

- 1.1 The application seeks planning permission to repurpose existing premises at the former Pears RNIB (Royal National Institute of Blind People) School site, on Wheelwright Lane, Ash Green, Bedworth.
- 1.2 The repurposed school would provide places for 80 pupils at what is to be known as The Warwickshire Academy. The school would provide facilities for children and young people with special education needs and disability (SEND). This would include children with Autism (ASD – Autistic Spectrum Disorder) and / or Social Emotional and Mental Health (SEMH) needs, who are exhibiting behaviours that challenge. The new school would cater for children and young people from Year 5 to Year 14 (ages 9-19). The school would be operated by Thrive Education Partnership.
- 1.3 The site currently comprises of five residential bungalows, a two storey administration (offices) building, a hydrotherapy pool building and main two-storey school building (which extends to around 4500 m<sup>2</sup> floor space over the two floors), as well as outside space, including car parking and a grassed area. The site is currently largely unoccupied and has not been in use for educational purposes for the last few years.
- 1.4 The proposals for the site going forward are split into two phases. The current proposals (this application) form the first phase of development and would see the main school building, hydrotherapy pool building and much of the external space repurposed into the proposed Warwickshire Academy School. The second phase of development would see the five residential bungalows and administration building brought back into use. Plans for these buildings are still being developed but are likely to include elements of social care. These proposals are likely to be the subject of a later planning application.
- 1.5 The proposals do not involve any increase in floor space at the site and only minimal material changes to the external appearance of the school building. The fundamental changes being new (replacement) external doors to meet the needs of the SEND school. The replacement doors would be aluminium framed with toughened glazing to match the existing external appearance of the building. Internally the school

building would be reconfigured, refurbished and adapted to comply with guidance and legislation relating to SEND and Alternative Provision schools and accessibility requirements. Accommodation provided within the envelope of the existing school building would include: 10 general teaching classrooms; 5 adjoining teaching rooms/break out spaces; 1 Food Technology Classroom; 1 Science Laboratory; 1 Art Classroom; and, 1 Design Technology Classroom. Refurbishment and internal reconfiguration of the school building does not require planning permission.

- 1.6 Externally a number of amendments and improvements would be made to the school site. This would include the provision of additional secure fencing, introduction of additional car parking, provision of two sports pitches and introduction of additional soft landscape planting. These aspects of the proposals require planning permission.
- 1.7 The proposed fencing would be 2.7 metres in height and of weld mesh construction finished green in colour. The fencing would be quite extensive across the site, providing secure boundary treatments as well as separating and segregating individual areas within the site itself. This would include fencing around car parking, the MUGA (Multi Use Games Area) and individual outdoor spaces immediately adjoining the school building. Access gates would be provided at various locations within the fencing to enable pedestrian and vehicular access as well as access for emergency vehicles. Existing boundary fencing would remain in place with the proposed fencing standing inside, and in places along side, the existing fencing. The proposed fencing would separate and segregate the school from the five bungalows and administration building.
- 1.8 The two sports pitches would comprise of:
  - a MUGA (Multi Use Games Area) measuring 42 metres by 18.5 metres surfaced in tarmac and enclosed by 2.7-metre-high weld mesh fencing finished in green.
  - a Sports Pitch measuring 42 metres by 33 metres surfaced with grass.

The sports pitches would not include lighting.

- 1.9 Car parking provision for the school would comprise of 52 parking spaces, including four accessible parking bays as well as 18 pick up and drop off bays. This would include:
  - five existing spaces at the front of the school building;
  - 30 new parking spaces and 18 pick up and drop off spaces located centrally within the site; and,
  - 17 parking spaces located on a reconfigured area of existing hardstanding (which has previously been used for car parking) situated in the north western corner of the site.

A further 52 car parking spaces would be provided on the site for use in connection with phase 2 of the development. This would also comprise of a mix of existing and new parking spaces and would be focused towards the front of the site adjoining Wheelwright Lane. Further supporting information has been submitted to demonstrate that up to 45 vehicles can wait within the site at pick up and drop off times.

- 1.10 Pupils attending the school are likely to predominantly arrive and leave the site individually by private car, taxi or specialist transport.
- 1.11 The application site is accessed off Wheelwright Lane via a dedicated vehicular and pedestrian gated highway access constructed when the former RNIB Pears School was developed. This access would continue in use as the main access into the Warwickshire Academy going forward, as well as into the future phase 2 development. The existing main access gate is a slow-moving automated security gate. The application states that operation of the automated gate into the site from Wheelwright Lane would be adapted to work on a time clock, opening and closing at appropriate times to ensure there is no build-up of traffic on local routes to the site, with provision of an intercom for use at other times of the school day.
- 1.12 New areas of soft landscape planting would be provided in various locations around the site to include a mix of native species.
- 1.13 Once operational the school expects to employ 32 full time members of staff and 22 part time equating to 40 full time positions.
- 1.14 The school would operate from 08:30hrs to 17:30hrs Monday to Friday, with some after school activities.
- 1.15 The main entrance from Wheelwright Lane would be used for vehicles accessing and exiting the site during the construction period.
- 1.16 The application states that the proposed provision of the SEND school would address the need to accommodate SEND / ASD (Autistic Spectrum Disorder) / SEMH (Social, Emotional and Mental Health) pupil places in the area and in addition provide employment for staff at the school. At present the Local Authority obtains SEND provision in the locality by sending the proposed cohort out of the area.
- 1.17 There are 249 state-funded schools in Warwickshire, of which 11 are special schools. The last five years has been characterised by a rapid rise in the demand for services for children with SEND. Between 2015 and 2019 the number of children and young people with an education and health care plan (EHCP) or statement of SEN increased by 38% in Warwickshire, compared to an increase nationally of 47%. In January 2019 there were 13,362 children with special education needs attending a school in Warwickshire, making up 15% of the school population. Of these, 2,847 had an EHCP and 10,515 were receiving

lower-level SEN support in school. Over the past five years, WCC's Special school growth has outstripped mainstream school population growth by around three times the rate. Demand for specialist educational provision is rising in the county, with 261 pupils currently in specialist provision and forecasts showing that a further 259 places will be needed by 2023. From the information collected above it proposed Warwickshire Academy should help ease the growing demand on places for vulnerable young people and enable them to attend a school in the county rather than travel out of Warwickshire, minimising disruption for the pupils and keeping health and social care integrated with their education. Furthermore, this proposal would provide 80 of the extra school places highlighted above.

## **2. Consultation**

**2.1 Nuneaton & Bedworth Borough Council – Planning:** no objections based on its impact on NBBC's Borough.

**2.2 Nuneaton & Bedworth Borough Council – Environmental Health :** we have had a complaint about noise from the heating system that serves the school. The original CHP was removed, leaving what I assume is the back up system. The system has been running since last year the noise can best be described as 'air type noise' which emanates through the stacks on the roof. In the Design and Access Statement, it is saying that they will continue to utilise the current system with minor modifications. When the site was first commenced a planning condition for noise was included, could this condition still be included?

'Ensure that the contribution of noise generated by plant to the surrounding residential properties is a minimum, of 5dB LAeq below the LA<sub>90</sub> of the background noise level when measured at the boundary with any residential properties. The noise should not contain any discrete tones and be non-impulsive in nature'

**2.3 Councillor Pete Gilbert:** No comments received as of 28/05/2021.

**2.4 WCC Equality and Diversity:** No comments received.

**2.5 WCC Fire & Rescue Service:** I can confirm that the existing private hydrant provision is sufficient for this site on the understanding that none will be removed as part of the works. It is not clear from the application if any will be affected - could the developer confirm that please?

**2.6 Warwickshire Police – Crime Reduction and Community Safety :** I have examined the plans submitted and the applications incorporates what I would recommend in relation to secure boundary treatment and a secure cycle provision. I would assume that there will be a CCTV system on site, if I could have a look at what is being proposed and

pass comment. I would ask that the applicant / agent adopts the principles of 'secured by design' and evidence how they have designed in features to deter crime and anti-social behaviour. Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. We are currently getting a spate of theft where boilers are being targeted, I would suggest these are not fitted until the home can be properly secured. All plant and machinery should be stored in a secure area. Tools and equipment should be marked in such a way that they are easily identifiable to the company. Consideration should be given to the use of security patrols. Developers are now requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that they have arrived on site and provide contact numbers of the site manager for us in the case of an emergency. A grid reference for the site should be provided. This will help to reduce the possibilities of a delayed response.

- 2.7 **WCC Highways:** the assessment of the capacity of the vehicular access to the site shows that the access will work significantly below the capacity of the access. And the assessment showed that drivers would not need to queue for long periods to enter or exit the site, so there should not be a highway safety issue.

The current use of the vehicle access to the site causes problems. The Highway Authority has clear evidence that the existing gate arrangement causes unnecessary delays when entering the site which is having a detrimental effect on the public highway. Bearing in mind the school will not use the whole of the site, the needs of the bungalows and office building need to be considered also. As such, there needs to be a clear strategy conditioned, so that:

- In peak times for movements associated with the school, access to the school should not detrimentally affect the public highway or access to the other uses on site.
- Vehicles waiting to drop-off and pick-up pupils do not obstruct the public highway or access for the other uses on site.

Submitted details demonstrate that up to 45 vehicles can wait within the site, which should be able to accommodate the needs of the school. Some of the spaces should however be moved so that the main vehicular access from Wheelwright Lane is not obstructed. There is also capacity for more vehicles to stack adjacent to the school and parking area. Such contingencies should be included in the strategy. The drop-off and pick-up strategy should also include how the queueing is going to be managed.

No further information appears to have been supplied revising when the roads will be swept during the construction phase. This is recommended as a pre-commencement condition.



It appears that the concerns of the Highway Authority have been overcome.

Therefore, the Highway Authority's response is one of no objection subject to conditions to ensure that; the site is constructed in accordance with the approved plans (access, car parking, manoeuvring and fencing) prior to occupation, a mud and debris management plan has been approved prior to the development commencing and full details of an access / pick-up / drop-off strategy has been approved prior to occupation.

- 2.8 **WCC Ecology:** I have looked through the documentation submitted and there is no objection from Ecology.

The majority of the habitat on site beyond the pond area, which consists of standing water, swamp, amenity grassland and dense scrub will be retained and enhanced, as will the area of dense scrub to the northeast corner just beyond the pond area.

Native hedging and some native tree species are proposed, which appears to balance the BIA metric.

The gain shown in the BIA can be secured through the CEMP and the LEMP, with some minor changes, including extending the period of time covered by the management plan and amending some of the hedgerow species recommended.

The Proposed Ecological Enhancements in the LEMP are appropriate and sufficient to provide appropriate species-specific enhancements to provide onsite shelter for wildlife.

A Great Crested Newt Survey was submitted in support of the application, which included a Habitat Suitability Index (HSI) Assessment and an eDNA test. The HSI indicated that the pond had Average suitability to support great crested newts. The eDNA results were returned as a Negative. No GCN, nor evidence of them was observed during the survey visits.

- 2.9 **Sport England :** the proposal will create a new u7/8s football pitch and a MUGA (42m x 18.5m) on an area of land which in viewing google earth imagery has not previously been utilised as playing field land. Due to the nature of the School it is understood that facilities will be for educational purposes only and it will not be available for community use. The proposed dimension of the football pitch is in accordance with the FA's guidelines. To ensure that the playing pitch is constructed appropriately and fit for purpose Sport England would recommend a planning condition to ensure the playing pitch is constructed and laid out to the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before the school is brought into use or other specified

timeframe. In relation to the MUGA, the dimensions differ from Sport England's Typical MUGA (36.6x21.35m) meaning that it would not meet the recommended dimensions for certain sports such as netball and tennis. As the site is not proposed to be utilised by the community for competitive sports this is not an issue. No details have been provided in relation to the surface type therefore the applicant should consider Sport England's Artificial Surfaces for Outdoor Sports Design Guidance for the appropriate surface to meet the school's sporting needs. By providing new pitches that could help address established playing pitch deficiencies should the school make the site available in the future, and therefore Sport England supports this application in principle. This being the case, Sport England raises no objection to the application.

- 2.10 **WCC Flood Risk Management:** on review of the existing site plan it appears that there will be an increase in impermeable area due to the new car park and access. Attenuation in the form of an underground attenuation tank, will be provided to manage surface water runoff from 0.32 Ha (50% of grassed pitch and 710m<sup>2</sup> of the existing car park); prior to discharge to the existing surface water sewer network. Evidence of consultation with Severn Trent Water (STW) has now been provided and demonstrates that subject to proof of the existing method of surface water disposal and testing to discount soakaways, the site has a viable outfall.

Updated calculations to demonstrate the performance of the network have been provided and the network has now been assessed for the 1 in 100-year event plus 40% allowance for climate change. It is noted that minor flooding is experienced and the outflow is marginally increased as a result, this has been justified, as a betterment will still be provided by accounting for the existing car park.

Further explanation regarding flow routing has been provided and explains that minor flooding is expected in the MUGA and car park. This should be supported by plans at a suitable time. Consideration for maintenance and management should be given in the form of schedules including action and frequency, in line with CIRIA C753 The SuDS Manual, at the appropriate time.

It is recommended that the information submitted is sufficient for the LLFA as long as conditions are included to secure: a detailed surface water drainage scheme for the site; and, a detailed maintenance plan for the surface water systems.

### **3. Representations**

- 3.1 Four site notices were displayed at the main entrance gate to the school, as well as on Wheelwright Lane and Blackberry Lane on 28 April 2021.
- 3.2 Neighbour consultation letters were posted to the nearest (28) properties, including residential properties on Wheelwright Lane and Blackberry Lane, as well as adjoining schools and commercial properties.
- 3.3 Two representations received: one from a resident of Wheelwright Lane; and, a second from Exhall Grange Specialist School.
- 3.4 The resident of Wheelwright Lane comments:

Is the fence to the right of entrance where cars are parked, to remain with ship lap boarding fence to prevent headlights from the cars beaming into houses opposite? This was erected by the RNIB when we brought the problem up with them.

Because of the delay sometimes in the entrance gates being opened at busy times of day, i.e pedestrians with children coming and going from Wheelwright Lane Junior School, and people driving to work, it can cause vehicles queuing on the main road and any vehicles coming from Bedworth wishing to turn right into school can cause the traffic to come to a standstill. Additional problems can be caused by vehicles going to wrong address, they are looking for Exhall Grange Special School which was previously on that site and have to turn around.

It also needs to take into account of the times when M6 or A444 are closed off due to accidents and traffic is diverted onto Wheelwright Lane. Events taking place at Ricoh Arena and new housing estate being built on field opposite Bull and Anchor public house which I believe will creating even more traffic.

It might be a lot safer for staff vehicles to be able to use the entrance via Blackberry Lane.

I also believe the council is looking into traffic calming on Wheelwright Lane as cars very often use it like a race track and I have witnessed many near misses regarding children on the Pelican Crossing.

Please take into account large vehicles ie refuse and skip lorries as well as delivery lorries and contractors vehicles gaining access and exiting onto main road.

At the moment due to COVID-19 the road is not too busy, although there are more vans making deliveries to private homes, but when people return to work it gets very busy.

- 3.5 Exhall Grange Specialist School request further detail regarding the boundary fence between Exhall Grange Special School and the Former Pears RNIB site.

The application refers to mesh fencing 2.7 metres high, pedestrian and vehicle, to site boundary for guarding purposes. We would like to clarify exactly what the fence specification is for the boundary with Exhall Grange Specialist School? We are concerned that a mesh fence will not maintain our privacy.

#### **4. Previous Planning History**

- 4.1 The former RNIB Pears School / Centre was constructed between 2008-2012 on land which previously formed part of Exhall Grange Specialist School. The site has been in use for educational purposes since the 1950's. Planning permissions allowing the development of the Pears School were granted by Nuneaton and Bedworth Borough Council in 2007 / 2008 (Ref: 011929. New school and children's home for RNIB. Approved December 2007 and Ref: 012762. Amendment to approval 011929. Approved December 2008). A further planning permission was granted in 2016 by NBBC to allow the provision of a hydrotherapy pool on the site (Ref: 033771. Hydrotherapy Pool. Approved January 2016). The Pears Centre operated as a Secondary School with a capacity for 70 pupils. The Pears School closed in 2018 since which time the site has remained largely unoccupied.

#### **5. Assessment and Observations**

##### **Location**

- 5.1 The former Pears School site is located to the north of Coventry, close to the County boundary, within an area known as Ash Green. The area could be described as urban / rural fringe. The immediate surroundings are residential in character and include a number of educational establishments (schools). The wider surroundings become quite urban including Prologis Park Business Park to the west and the Ricoh Arena to the east.
- 5.2 The former Pears site comprises of five residential bungalows, a two-storey administration (offices) building, a hydrotherapy pool building and main two-storey school building. These buildings are modern in style and design. The boundaries of the site are delineated with a mix of fencing styles, including weld mesh, palisade and bow top, all of which is steel, some finished green, some galvanised.
- 5.3 The school fronts onto the western side of Wheelwright Lane from which it takes highway access. Residential properties are situated immediately to the north and east of the site. To the north, properties fronting onto Blackberry Lane and Wheelwright Lane back onto the school site, whilst properties located east on the opposite side of

Wheelwright Lane face the school and have reasonably uninterrupted views into the site. The south-eastern corner of the site adjoins a public house, the Bull and Anchor. The southern boundary of the former Pears site directly adjoins the grounds of two other schools, Wheelwright Lane Primary School and Exhall Grange Specialist School. Exhall Grange School includes a residential bungalow (Caretakers House) which immediately adjoins the boundary with, and main school building, of the former Pears site. The boundary with Wheelwright Lane Primary School is well vegetated providing a reasonable level of visual screening. The buildings of Exhall Grange School (which include a mix of one and two storey buildings) are located in close proximity to the main school building on the former Pears School site. The boundary between the two is delineated by a 2-metre-high weld mesh fence which is very open and allows clear views between the two sites.

### **Planning Policy**

- 5.4 Paragraph 11 of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. Where proposals accord with an up to date development plan it means that development should be approved without delay.
- 5.5 In this case the up to date plan is the Nuneaton and Bedworth Borough Plan 2011 – 2031 adopted in June 2019. The application should therefore be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise. The courts have made it clear that for the purposes of section 38(6) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy in the plan. It is a matter of judgement for the Committee whether the proposal accords with the plan, considered as a whole, bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach.

### **National Planning Policy Framework**

- 5.6 The NPPF states that the planning system has three overarching objectives; economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.7 Paragraph 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive,

positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.
- b) work with schools' promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

- 5.8 Paragraph 127 states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive, sympathetic to local character and create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.
- 5.9 Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 111 makes it clear that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

### **Local Planning Policies**

#### **Nuneaton and Bedworth Borough Plan 2011 – 2031 (adopted June 2019)**

- 5.10 Policy DS1 – Presumption in favour of sustainable development - When considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 5.11 Policy DS3 – Development principles – requires that all new development is sustainable and of a high quality. New development within the settlement boundaries will be acceptable subject to there being a positive impact on amenity, the surrounding environment and local infrastructure.
- 5.12 Policy HS2 – Strategic accessibility and sustainable transport – seeks development proposals to ensure adequate accessibility and meet acceptable levels of impact on existing highways networks and the mitigation measures required to meet this acceptable level.

- 5.13 Policy NE3 – Biodiversity and geodiversity – seeks to conserve, enhance, restore and where appropriate create ecological value in sites as well as supporting biodiversity offsetting in order to achieve no net loss of biodiversity.
- 5.14 Policy NE4 – Managing Flood Risk and Water Quality: Sustainable Drainage Systems (SuDS): New development will be required to implement appropriate SuDS techniques to manage surface water run-off. For all sites, surface water discharge rates should be no greater than the equivalent site-specific greenfield run-off rate, unless otherwise agreed by the LLFA.
- 5.15 Policy BE3 – Sustainable design and construction – requires that development proposals are designed to a high standard and contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area.

### **Policy Considerations**

- 5.16 The former Pears school site and buildings were purpose built for educational purposes a few years ago on a site which has been in educational use for many years. The current proposals would bring the school building and part of the site back into educational use, providing for a specific specialist education need, which in principle is acceptable and accords with policy and the aims of sustainable development.
- 5.17 The external appearance of the existing school buildings would be largely unchanged. The proposed additions to the site; fencing, car parking and sports pitches, reflect the character and existing use of the site and are therefore also acceptable in principle.
- 5.18 Wider policy considerations of the Development Plan seek to protect the amenities of neighbouring occupiers and locality as well as the environment. These matters are discussed below and subject to satisfactory controls and measures being put in place it is considered that the development accords with the policies of the Development Plan.

### **Amenity and Environmental Issues**

- 5.19 The external appearance of the existing school buildings would be largely unchanged. The proposed fencing is of a type and style appropriate to the school setting and similar in nature to some of the existing fencing on site. The additional carparking proposed would be sited centrally within the school site and contained within the setting of the existing buildings. The proposed sports pitch and MUGA would be located towards the rear of the site on an area of grass previously believed to have been used informally for sports and recreation. The proposed sports pitches would formalise and improve these facilities.

In visual terms the proposed changes and additions to the site are considered to be acceptable.

- 5.20 The proposals would increase the amount of car parking on site and the more formalised sports pitch and MUGA would be in close proximity to dwellings on Blackberry Lane, both of which could result in increased noise impacts. However, in the context of the overall site and previous educational use of the site it is considered that impact on residential amenity resulting from noise would be limited. The Environmental Health Officer at Nuneaton and Bedworth Borough Council has been consulted and has raised no specific concerns in this respect.
- 5.21 Nuneaton & Bedworth Borough Council Environmental Health Department advise that they have received a complaint about noise from the heating system that serves the school. They believe that the original system was removed, leaving what they assume is the backup system. The system has been running since last year and the noise can best be described as 'air type noise' which emanates through the stacks on the roof. The application states that the current system would continue to be utilised with minor modifications. The EHO states that the original planning permission contained a condition to control noise from plant operated on the site and asks that this condition is repeated. This is not unreasonable and a suitably worded condition is proposed. In respect of the current central heating related noise complaints the applicant advises that there are problems with the central heating system and that this is to be investigated as part of the overall refurbishment works.
- 5.22 Exhall Grange Specialist School have expressed concern about the open nature of the weld mesh boundary fencing proposed between Exhall Grange and the application site (The Warwickshire Academy). They are concerned that a mesh fence will not maintain their privacy. The boundary between the two schools is currently delineated by weld mesh fencing which affords clear views between the two schools. The buildings of Exhall Grange School are located in close proximity to the main school building on the former Pears School site. There is also a residential bungalow within the Exhall Grange site close to the boundary between the two sites. The proposed weld mesh fence would stand behind the existing fence, with the existing fencing remaining in place. Although the proposed fence would be quite tight mesh, views between the two schools are likely to remain. Discussions have taken place between the applicant and Exhall Grange School regarding the provision of a screening material which could be attached to the existing fence. There are options in this respect although a final solution has yet to be determined. A solution could be secured by condition and a suitably worded condition is suggested.



- 5.23 A resident of Wheelwright Lane, who lives opposite the site entrance has made observations regarding a close boarded fence previously erected within the school boundary to prevent glare from the headlights of cars manoeuvring on this part of the site. They wish to see this fence remain. The current plans propose no changes to the fencing in this location.
- 5.24 Queuing of cars on Wheelwright Lane has also been expressed as a concern with the existing slow-moving automated security gate located at the main access considered to be a significant factor in this. The application states that operation of the automated gate into the site from Wheelwright Lane would be adapted to work on a time clock, opening and closing at appropriate times to ensure there is no build-up of traffic on local routes to the site, with provision of an intercom for use at other times of the school day. A suitable worded condition is suggested to control this. Wider highway and access issues are discussed below.

### **Ecology**

- 5.25 The submitted application included a Preliminary Ecological Appraisal Report, Great Crested Newt Survey, Arboricultural Impact Assessment and Biodiversity Impact Assessment.
- 5.26 The site largely comprises of short amenity grassland and hardstanding. There is however a pond and scrubby area in the south-eastern corner of the site along with trees around the site. The Ecological Assessment found habitats on the site to be of limited conservation value and no protected species. The proposals would not involve any significant loss of existing trees and vegetation. The assessments undertaken therefore found no significant constraints to the development proposals.
- 5.27 The development aims to achieve biodiversity net gain and a landscaping scheme has been proposed in order to achieve this. With the implementation of the landscaping scheme proposed the Biodiversity Impact Assessment predicts an overall biodiversity net gain resulting from the development.
- 5.28 The County Ecologist agrees with the findings of the assessments submitted and that the BIA would be balanced. The gain shown in the BIA and ecological enhancements proposed can be secured through the CEMP and the LEMP, with some minor changes. This can be secured by condition. Appropriately worded conditions are proposed.

## Highway and Parking Issues

- 5.29 The application site (The Warwickshire Academy) would continue to be accessed off Wheelwright Lane via a dedicated vehicular gated highway access constructed when the former RNIB Pears School was developed. This access would also be used to access the future phase 2 development on site. This access is suitable for the proposed school use.
- 5.30 In order to address acknowledged problems with operation of the existing main slow moving automated access, the application states that operation of the access gate would be adapted to work on a time clock, opening and closing at appropriate times to ensure there is no build-up of traffic on local routes to the site, with provision of an intercom for use at other times of the school day. No other changes are proposed to the site access. A condition is proposed in order to agree the appropriate gate opening timings in this respect.
- 5.31 The application proposes additional and reconfigured parking areas in order provide 52 parking spaces, including four accessible parking bays, for the school. In addition, space would be provided for 18 pick up and drop off bays, as students are likely to predominantly arrive and leave the site individually by private car, taxi or specialist transport. A further 52 car parking spaces would be provided on the site for use in connection with phase 2 of the development. The applicant considers that the proposed parking provision reflects the appropriate design standards (Nuneaton and Bedworth Borough Council guidance contained within The Councils Car Parking Standards Supplementary Planning Document) and that the design and layout of the parking and pick up and drop off areas would afford adequate circulation space in order to prevent queuing vehicles backing up on the highway.
- 5.32 The application was supported by a Transport Statement which assessed and modelled traffic flows on Wheelwright Lane. The Assessment concludes that; there are no accident trends in the vicinity of the site that would be exacerbated by the development; a formal capacity assessment of the site access junction with Wheelwright Lane outlines that the junction would operate well within capacity and as a result it is not considered that vehicle flows associated with the proposed development would bring severe impact upon the highway network; and, that the number of parking spaces proposed is considered appropriate and sufficient for the proposed use.
- 5.33 WCC Highways agree that the site access is acceptable for the level of traffic proposed and that sufficient space exists to allow up to 45 vehicles to be accommodated on site during drop off and pick up times. Therefore, the Highway Authority raise no objection subject to conditions to ensure that; the site is constructed in accordance with the approved plans (access, car parking, manoeuvring and fencing) prior to occupation, a mud and debris management plan has been approved

prior to the development commencing and full details of an access / pick-up / drop-off strategy has been approved prior to occupation.

### **Flood Risk and Drainage**

- 5.34 The proposals include the creation of additional hard surfaces, MUGA and car parking, across the site which would have an impact on the management of surface waters. The application site is located within Flood Zone 1 where the risk of flooding is least. The application included a Flood Risk Assessment which proposes mitigation measures including permeable car parking surfaces and surface water drainage system and as a result concludes that the development would pose a low risk in flood risk terms. Following the submission of further supporting information the Flood Risk Management Team are satisfied with the measures proposed to manage surface waters subject to the inclusion of conditions to secure: a detailed surface water drainage scheme for the site; and, a detailed maintenance plan for the surface water systems. Suitably worded conditions are suggested.

### **Other Matters**

- 5.35 In order to ensure that the proposed playing pitch is constructed appropriately and fit for purpose Sport England recommend that a condition is imposed to ensure the playing pitch is constructed and laid out to the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before the school is brought into use or other specified timeframe. This is not unreasonable and an appropriately worded condition is suggested.
- 5.36 WCC Fire & Rescue Service are satisfied that the existing private hydrant provision is sufficient for this site on the understanding that none will be removed as part of the works. The applicant has confirmed that the existing fire hydrant provision on site will remain unchanged.
- 5.37 Warwickshire Police – Crime Reduction and Community Safety are satisfied with the proposals in terms of secure boundary treatment proposed. They presume that a CCTV (closed circuit television) system would be provided on site which they would like to review. The applicant advises that CCTV would be installed on site, although the details of this are not known at this time. CCTV systems largely benefit from Permitted Development Rights and therefore do not require the submission of a formal planning application. It is therefore not considered necessary to impose a specific planning condition in this respect.

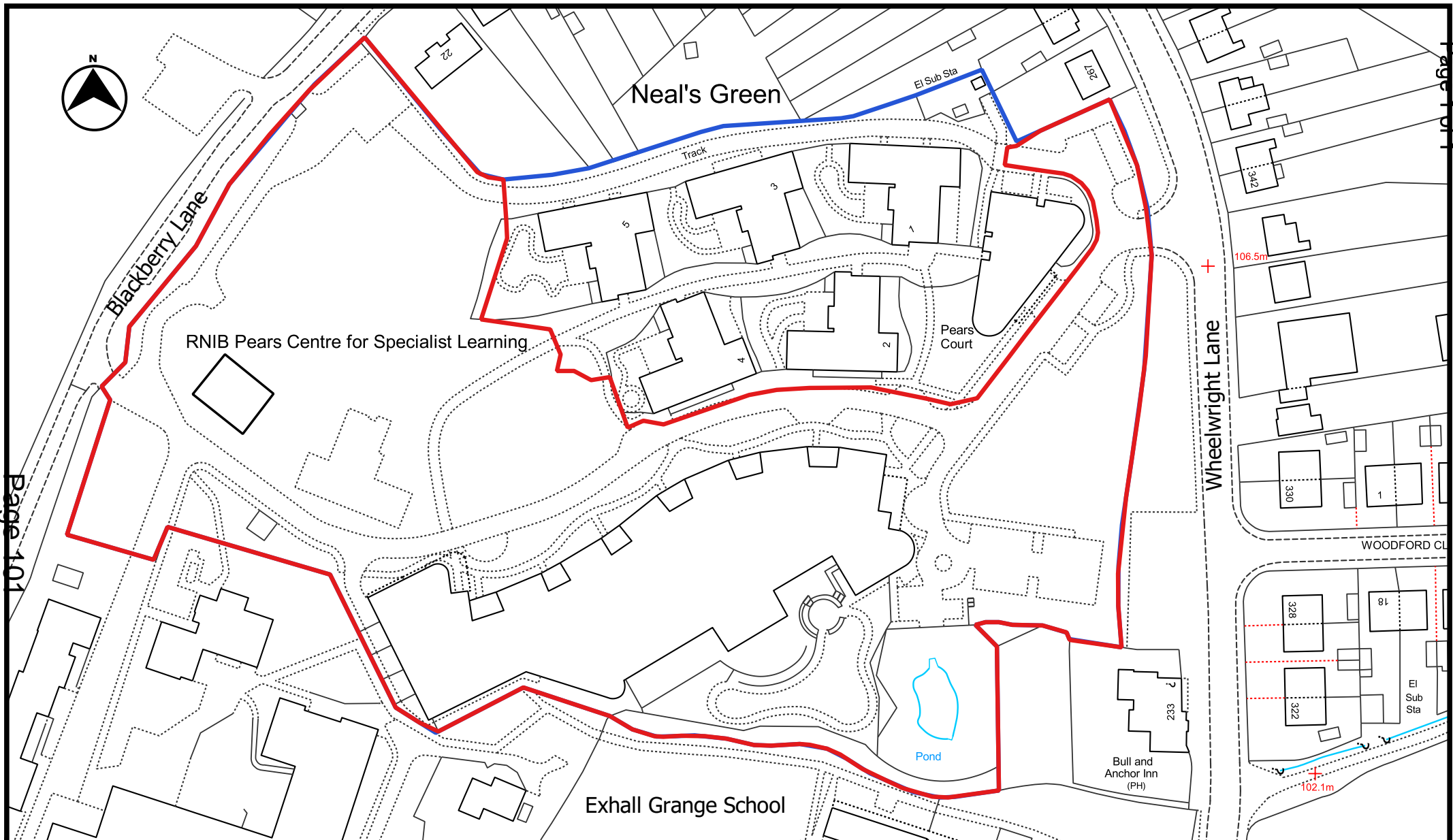
## 6. Conclusions

- 6.1 The former Pears school site and buildings were purpose built for educational purposes a few years ago on a site which has been in educational use for many years. The current proposals would bring the school building and part of the site back into educational use, providing for a specific specialist education need, which is in principle acceptable and accords with policy and the aims of sustainable development.
- 6.2 The external appearance of the existing school buildings would be largely unchanged. The proposed additions to the site, fencing, car parking and sports pitches, reflect the character and existing use of the site and are therefore also acceptable in principle.
- 6.3 Wider policy considerations of the Development Plan seek to protect the amenities of neighbouring occupiers and locality as well as the environment. Subject to the imposition of suitably worded conditions to mitigate potential impacts it is considered that use of the site to operate as The Warwickshire Academy would not result in significant adverse impact.

## 7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference NBB/21CC004
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

	<b>Name</b>	<b>Contact Information</b>
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Portfolio Holder	Cllr Wallace Redford	



**Application No: NBB/21CC004**

**Former Pears RNIB site, Wheelwright Lane, Coventry, CV7 9RA.**

**Conversion of existing premises to form new Special Educational Needs and Disability School with boundary fence, new parking and unlit sports pitches.**

Regulatory Committee 08 June 2021

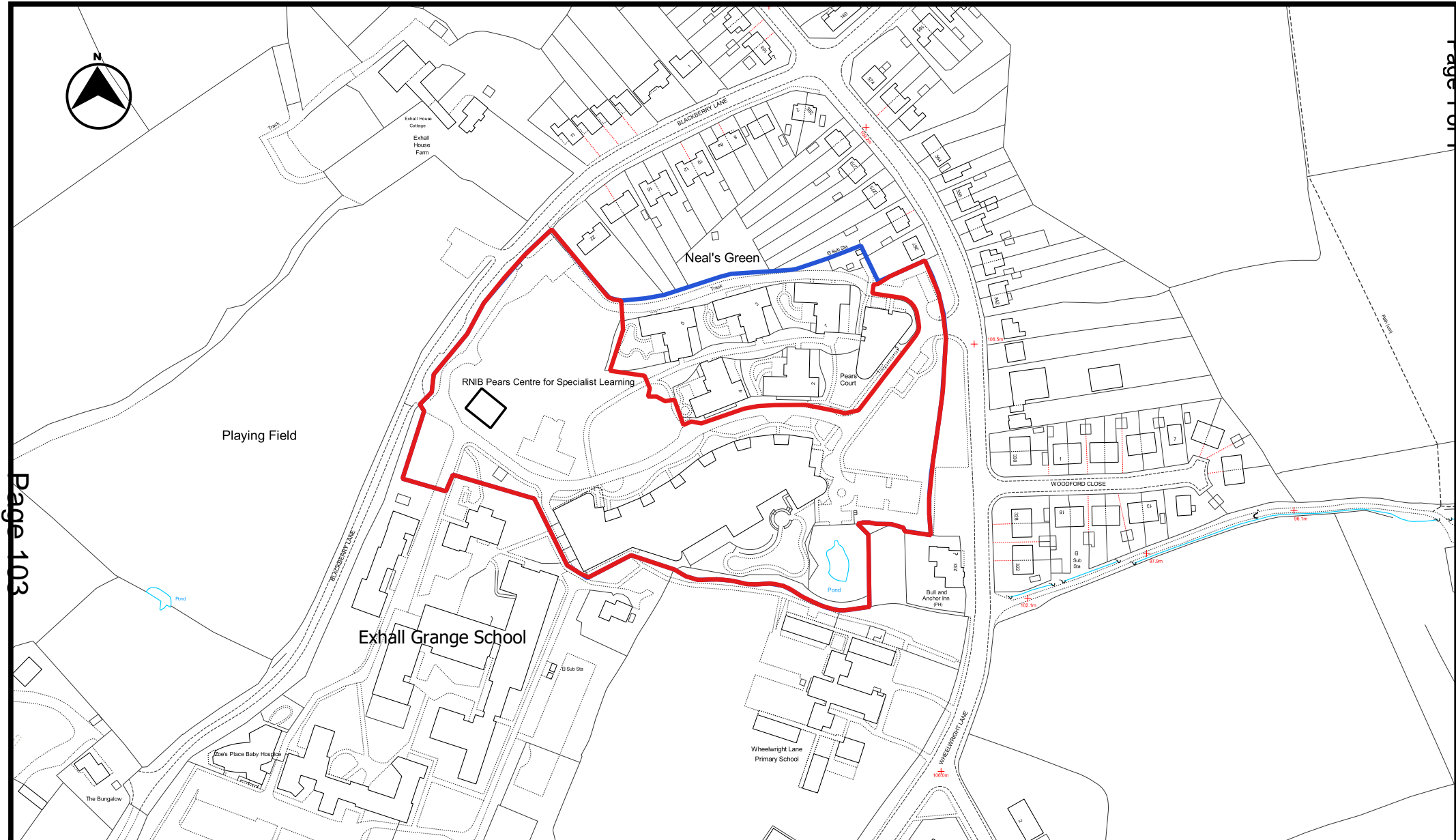
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**Application No: NBB/21CC004**  
**Former Pears RNIB site, Wheelwright Lane, Coventry, CV7 9RA.**  
**Conversion of existing premises to form new Special Educational Needs and Disability School with boundary fence, new parking and unlit sports pitches.**

Regulatory Committee 08 June 2021  
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## Appendix B

### Regulatory Committee - 8 June 2021

#### Conversion and adaptation of existing premises to include external works to form new Special Educational Needs and Disability School

Former RNIB Pears Site (renamed The Warwickshire Academy), Wheelwright Lane, Ash Green, Bedworth

**NBB/21CC004**

#### Planning Conditions.

1. The development hereby approved shall be carried out in accordance with the documents and drawings:

- PRS-LFA-XX-00-DR-A-099 Rev. S1-P03
- PRS-LFA-XX-00-DR-A-0100 Rev. S1-P02
- PRS-LFA-XX-00-DR-A-0110 Rev. S1-P06
- PRS-LFA-XX-00-DR-A-0111 Rev. S1-P07
- PRS-LFA-XX-00-DR-A-0115 Rev. S1-P13
- PRS-LFA-XX-00-DR-A-0116 Rev. S1-P12
- PRS-LFA-XX-00-DR-A-0118
- PRS-LFA-XX-00-DR-A-0119 Rev. S1-P08
- PRS-LFA-XX-00-DR-A-0120 Rev. S1-P07
- PRS-LFA-XX-00-DR-A-0121 Rev. S1-P01
- PRS-LFA-XX-00-DR-A-0122 Rev. S1-P01
- PRS-LFA-XX-00-DR-A-0123 Rev. S1-P02
- PRS-LLA-XX-XX-DR-L-0400-P02 – Planting Plan 1of3
- PRS-LLA-XX-XX-DR-L-0401-P03 – Planting Plan 2of3
- PRS-LLA-XX-XX-DR-L-0402-P02 – Planting Plan 3of3
- PRS-LLA-XX-XX-DR-L-0403-P02 – Plant Schedule

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 ensure a satisfactory standard of development.

2. No development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the

approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements and include calculations demonstrating the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), provide evidence of consultation and the acceptability of any discharge to their system.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, and how overland flow routing will reduce the impact of an exceedance event.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity.

3. No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the County Planning Authority giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the County Planning Authority within the maintenance plan.

**Reason:** To ensure the future maintenance of the sustainable drainage structures.

4. The site shall not be occupied until the access, car parking, manoeuvring and fencing have been laid out in accordance with drawings DR-A-119 Proposed School Fencing Plan and DR-A-120 External Access Strategy.

**Reason:** To ensure a satisfactory standard of development in the interests of highway safety.

5. No development shall commence until the Mud & Debris Management Plan has been updated to include (as a minimum) that the public highway fronting the site (Wheelwright Lane) shall be swept daily at the end of the working day and as and when necessary whilst all set-up, demolition and construction works are in progress.

**Reason:** To ensure a satisfactory standard of development in the interests of highway safety.

6. The site shall not be occupied until full details of an access / pick-up / drop-off strategy has been submitted in writing to and agreed by the County Planning Authority. The strategy shall be followed at all times when the school is open.

**Reason:** To ensure a satisfactory standard of development in the interests of highway safety.

7. The site shall not be occupied until details of the periods of time that the access gates into the site will remain open to allow unimpeded access into and out of the site have been submitted to and approved in writing by the County Planning Authority. Following approval, the access gates shall be operated in accordance with the approved details during the periods of time that the school is in use.

**Reason:** To ensure a satisfactory standard of development in the interests of highway safety.

8. The landscaping scheme identified on plans:
  - PRS-LLA-XX-XX-DR-L-0400-P02 – Planting Plan 1 of 3
  - PRS-LLA-XX-XX-DR-L-0401-P03 – Planting Plan 2 of 3
  - PRS-LLA-XX-XX-DR-L-0402-P02 – Planting Plan 3 of 3
  - PRS-LLA-XX-XX-DR-L-0403-P02 – Plant Scheduleshall be implemented in full in the first available planting season. Any tree or plant (including any replacement) which within a period of five years from the implementation of the scheme, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species unless the County Planning Authority consents in writing to any variation.

**Reason:** To protect the amenity of the area and secure biodiversity net gain.

9. The development hereby permitted shall not be carried out otherwise than in accordance with the submitted Landscape and Environmental Management Plan (LEMP) ref. SP562 dated 21/10/20 and Construction and Environmental Management Plan (CEMP) ref. 2481278 dated March 2021.

**Reason:** To ensure a satisfactory standard of development and secure biodiversity net gain.

10. Plant on the site shall be installed and maintained such that its contribution to noise at surrounding residential properties is less than LAeq 5dB below the background LA90 level. The noise from the plant shall not contain any discrete tones and shall be non-impulsive in nature.

**Reason:** To protect residential amenity and surrounding properties / future occupiers.

11. The site shall not be occupied until full details of boundary treatment and additional fencing to be provided along the boundary between the application site and Exhall Grange Specialist School have been submitted to and approved in writing by the County Planning Authority. Following approval, the additional boundary treatment and fencing shall be installed before the school is occupied and maintained in place whilst the school remains in use.

**Reason:** To ensure a satisfactory standard of development in the interests of neighbour amenity.

12. The sports pitch shall be constructed and laid out in accordance with plan ref. PRS-LFA-XX-00-DR-A-123 Rev.S1 P01 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use within six months of the school opening.

**Reason:** To ensure the quality of pitches is satisfactory.

Notes:

a. Section 163 of the Highways Act 1980 requires that water will not be permitted to fall from the roof or any other part of premises adjoining the public highway upon persons using the highway, or surface water to flow – so far as is reasonably practicable – from premises onto or over the highway footway. The developer should, therefore, take all steps as may be reasonable to prevent water so falling or flowing.

b. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness. c. Prior to commencement of development, the applicant is required enter into an agreement with the Highway Authority under Section 59 of the Highways Act 1980. Prior to works taking place on site and following completion of the development, a joint survey shall be undertaken with the County's Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Locality Officer.

### **Development Plan Policies Relevant to the Decision.**

#### Nuneaton and Bedworth Borough Plan 2011 – 2031 (adopted June 2019)

Policy DS1 – Presumption in favour of sustainable development

Policy DS3 – Development principles

Policy NE4 – Managing Flood Risk and Water Quality

Policy BE3 – Sustainable design and construction

### **Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015**

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019

**Regulatory Committee – 8 June 2021**

**Proposed installation of an Air Handling Unit with associated ductwork and cladding – Milverton School, Greatheed Road, Leamington Spa, CV32 6ES**

**WDC/21CC002**

Application No.: WDC/21CC002

Advertised date: 5 March 2021

Applicant(s) Mr Craig Cusack  
Warwickshire County Council  
Enabling Services  
Resources  
Shire Hall  
Warwick  
CV34 4RL

Agent(s) Mr Tony Harley  
Warwickshire County Council  
Enabling Services  
Resources  
Shire Hall  
Warwick  
CV34 4RL

Registered by: The Strategic Director for Communities on 10 February 2021

Proposal: Proposed installation of a replacement Air Handling Unit (AHU), associated ductwork and extension to screen cladding.

Site & location: Milverton Primary School,  
Greatheed Road, Leamington Spa, CV32 6ES.  
[Grid ref: 431243.266469].

**See plan in Appendix A**

## **Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the installation of a replacement Air Handling Unit (AHU) with associated ductwork and extension to screen cladding subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

### **1. Application details**

- 1.1 The planning application seeks consent for the installation of kitchen supply ductwork (AHU) and the extension to screen cladding to screen the ventilation system that was installed previously in 2019 to meet the Gas Regulations and to avoid the closure of the school kitchen facility.
- 1.2 The single storey flat roof kitchen building is 3.4 metres in height. The proposed ductwork would have a maximum height of 3.93 metres above ground level.
- 1.3 In order to screen the AHU and additional supply ducting from the view from neighbouring residential properties it is proposed to erect further cedar timber screening. The screening would comprise vertical timber planks, which would be approximately 4.4 metres in height. The cladding would be supported from a galvanised steel integrated frame mounted on the roof which would also carry the extract ductwork.
- 1.4 The proposed ductwork would be insulated and clad in butyl rubber.

### **2. Consultation**

- 2.1 **Warwick District Council – Planning:** No comments received.
  - 2.2 **Warwick District Council - Environmental Health:** No objection.
  - 2.3 **Royal Leamington Spa Town Council:** No comments received.
  - 2.4 **Councillor Jeff Clarke:** No comments received
  - 2.5 **Warwick District Council - Conservation:** No objection. Based on the information submitted with the application, we have no comments to make on the work proposed at this stage. It should be noted this does not in any way signify either our approval or disapproval of the proposals.
  - 2.6 **Warwick District Council – Ecology:** A bat note and a nesting bird note should be attached to any permission granted.
- 2.2 3 Site notices posted – 5<sup>th</sup> March 2021
- 2.4 9 nearest residential properties individually notified on 5<sup>th</sup> March 2021

### **3. Representations**

3.1 No comments or objections have been received.

### **4. Previous Planning History**

4.1 There have been two applications approved for the expansion of the school, on each occasion to provide two additional classrooms, (Ref: W/91/0633 and W93/CC006). There was also a planning application at the school site which was for the increase in width of the Rugby Road pedestrian access from 0.7 to 1.6 metres.

4.2 Planning permission was granted in December 2019 (Ref: WDC19CC005) for the installation of extract ductwork to replace the temporary ventilation system that had been installed as an emergency measure to meet the Gas Regulations and to avoid the closure of the school kitchen facility. The application included the erection of timber cladding to screen the plant on the kitchen roof.,

4.3 Since the planning consent granted in 2019 an Air Handling Unit (AHU) has been installed to replace the previous extraction plant positioned to the side of the kitchen. As a result, the current application is partially retrospective.

### **5. Assessment and Observations**

#### **Location**

5.1 Milverton Primary School is located in a largely residential area between Rugby Road (A445) and Greatheed Road on the northern area of Leamington Spa. The site is within the Leamington Conservation Area.

5.2 The application relates to the single storey white painted brick built building in use as the school kitchen. The building is located at the western side of the school site, set back into the site to the rear of the school building facing onto Greatheed Road. The south-east facing wall of the kitchen faces onto the rear vehicular access which runs between the rear of the houses in Rugby Road; the school and the rear of the houses in Greatheed Road.

## Planning Policy

### The National Planning Policy Framework

- 5.3 **Paragraph 11** of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:
- (a) proposals which accord with an up-to-date development plan should be approved without delay; and
  - (b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:
    - the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 5.4 **Paragraph 12** goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.5 **Paragraph 48** explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.
- 5.6 In this case, there is a development plan in place, the Warwick District Local Plan (2011 – 2029) adopted in September 2017, which has relevant policies that are considered to be up to date so far as they relate to this proposal. The application should therefore be determined (as required by Section 38(6) of the Planning and Compulsory



Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise.

5.7 Section 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 196 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.8 In considering applications for planning permission in Conservation Areas Local Planning Authorities are required by law (by the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character of the Conservation Area.

### 5.9 **The Development Plan Warwick District Adopted Local Plan (2011 – 2029)**

The following policies of the Local Plan are considered to be of particular relevance for this proposal.

5.10 **DS5 Presumption in Favour of Sustainable Development:** states that the planning authority will work proactively with applicants to find solutions that mean proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

5.11 **SC0 Sustainable Communities:** requires development to be of high quality and protect and where possible enhance the historic environment and particularly designated heritage assets such as conservation areas.

5.12 **BE1 Layout and Design:** requires development to positively contribute to the character and quality of its environment through good layout and design. Development proposals should demonstrate that they respect surrounding buildings in terms of scale, height form and massing and adopt appropriate materials and details.

5.13 **BE3 Amenity:** requires that new developments have an acceptable impact on local amenity including the impact of noise disturbance, visual intrusion or the impact of odour.

5.14 **HE1 Designated Heritage Assets and their setting:** states that development will not be permitted if it would lead to substantial harm to or total loss of the significance of a heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed

against the public benefits of the proposal, including securing its optimum viable use.

- 5.15 **HE2 Conservation Areas:** states that there will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. The supporting text to this policy states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.
- 5.16 **NE5 Protection of Natural Resources:** states that development proposals will be permitted provided that they ensure the district's natural resources remain safe, protected and prudently used. Development proposals will be expected to demonstrate that they:
- a) do not give rise to soil contamination, or air, noise radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors.

## Analysis

### 5.17 Amenity and Environmental Issues

- 5.18 The current proposal is for the installation of additional 'supply' ductwork on the kitchen roof and an extension to the width of the timber screen cladding erected following the 2019 consent. The ductwork previously approved and installed is 'extract' ductwork.
- 5.19 Due to the low heights of the kitchen roof, it hasn't been possible to position the supply ductwork inside the kitchen. Therefore, the ductwork would need to be positioned on the roof of the kitchen and the extension of timber cladding would screen this from neighbouring properties. The additional timber screening is proposed to be erected around part of the southern and western perimeter of the kitchen building and would screen views from neighbouring houses in order to reduce the visual impact.
- 5.20 The proposed supply ductwork and screening would be seen from the neighbouring residential properties and would have an impact on the visual amenity of neighbouring residential properties. However, the impact on the visual amenity is not considered to be detrimental to a degree that would result in a recommendation of refusal.
- 5.21 The application is supported by a Noise Impact Assessment. The Assessment outlined that noise monitoring was conducted at the school site to establish the typical prevailing background noise levels between 08:00 and 13:00 hours when there was no noise of children playing and no noise from the extractor fan. The assessment

concluded that when implemented, the noise control measures of the proposed supply and extract exhaust system would enable a 'low impact' outcome to be achieved in the nearby residential gardens and at the facades of the closest houses. It would be anticipated that the level of noise from the fan would be expected to fall below the typical prevailing background noise levels experienced in adjacent garden areas.

The consultation response from the Warwick District Environmental Health Officer states no objection.

- 5.23 An Odour Survey and Odour Assessment was submitted at the request of planning officers in line with conditions from the 2019 application. The revised version of the document provided by the applicant in May 2021 states that the odour levels would be acceptable. The consultation response from the Warwick District Environmental Health Officer states no objection.

### **Heritage**

- 5.25 The application site is located within Area 25 (Rugby Road) of the Leamington Spa Conservation Area which includes residential dwellings and the school buildings in the vicinity of Rugby Road. There are no listed buildings within the immediate vicinity of the application site, the closest listed buildings which are not seen in the context of the school kitchen are located over 140 metres to the south-west.
- 5.26 The character and appearance of the Leamington Spa Conservation Area in the immediate vicinity of the application site is made up of a mixture of utilitarian buildings, predominantly flat roof garages and out buildings in a variety of designs and materials. The rear access road in general and the kitchen building in particular, are not seen from a public vantage point, although they may be viewed from the rear elevations of the surrounding residential dwellings. The kitchen building subject of this application is a modern, white painted, flat roofed building; also utilitarian in appearance and character and of no architectural merit.
- 5.27 The appearance of a silver coloured flue system would not considered to be acceptable in design as it has an adverse impact on the visual appearance of the Conservation Area and the amenity of neighbouring residents.
- 5.28 The additional supply ductwork would be clad in black butyl rubber to reduce the visual impact. The additional cedar cladding proposed to be erected around the edge of the kitchen building would screen the view of the ductwork from the neighbouring houses. The Conservation Officer at Warwick District Council advised that there was no objection to the application.

5.29 As stated above it is a legal requirement in considering a planning application in a Conservation Area that the development should preserve or enhance the character of that Conservation Area. It is considered that given the functional character of the rear access road and the utilitarian appearance of the kitchen building and the surrounding garages, the erection of the additional timber screen would have a beneficial effect by screening the appearance of the alterations to the building and in this way would preserve the overall character and appearance of the Conservation Area in this location.

## 6. Conclusions

- 6.1 The proposed installation of the supply ductwork and the installation of the AHU are necessary for safety reasons. The extension to the existing timber screening would reduce the visual impact of the development on neighbouring occupiers.
- 6.2 The designs of the proposed plant and additional cladding are considered together to preserve the appearance of the Conservation Area. The proposed development is therefore considered to comply with the NPPF and policies BE1, HE1 and HE2 of the Local Plan.
- 6.3 The design and specification of the supply ductwork has satisfied the requirements of the District Council Environmental Health Officer in relation to the noise and odour impact of the proposed development on neighbouring residents. and is considered to comply with the requirements of policies BE3 and NE5 of the Local Plan.
- 6.4 The proposed supply ductwork is considered to accord with the policies of the NPPF and the development plan for the reasons above and is recommended for approval subject to the following conditions.

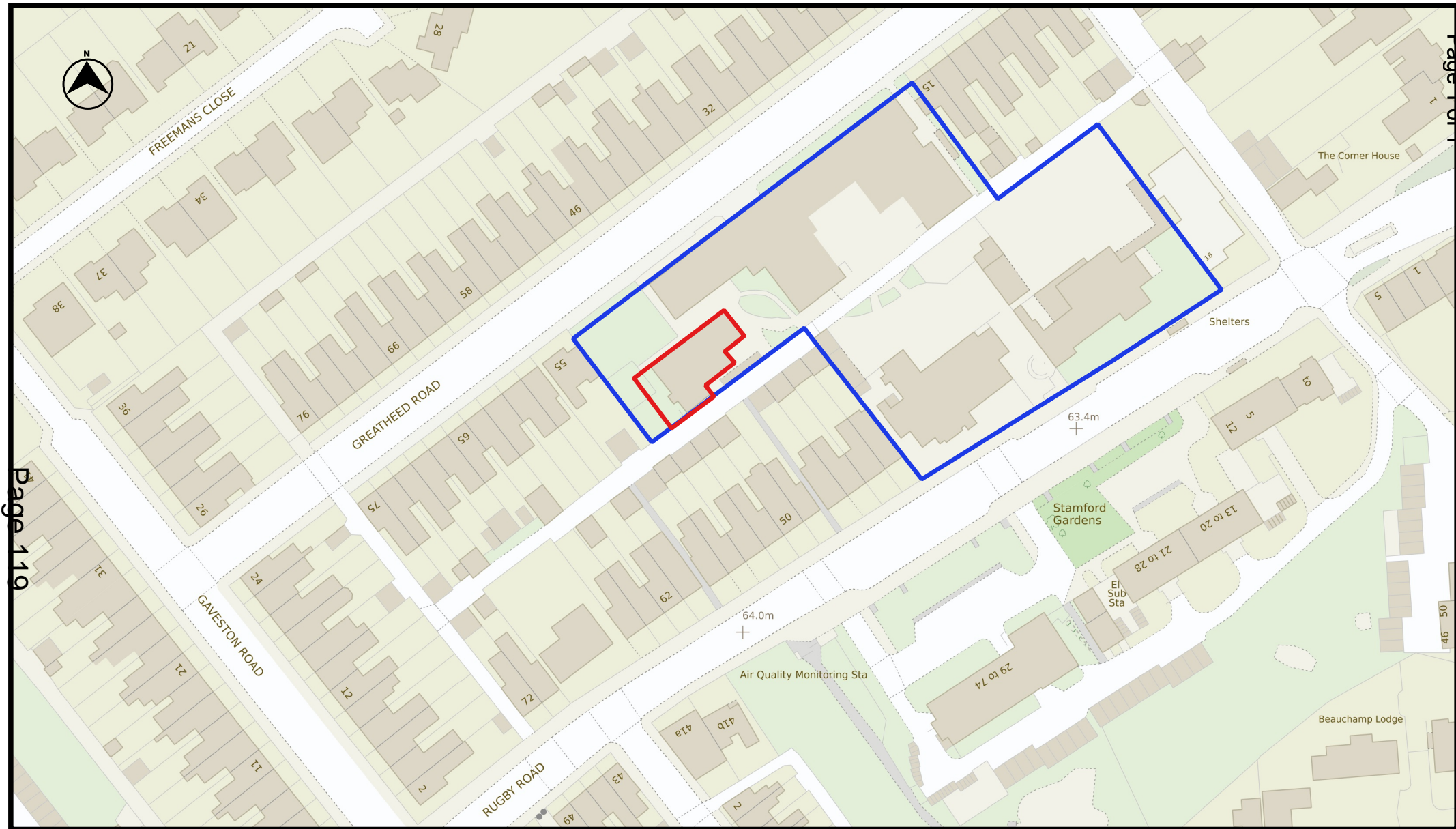
## 7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference WDC/21CC002
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

	<b>Name</b>	<b>Contact Information</b>
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Portfolio Holder	Cllr Wallace Redford	



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**Application No: WDC/21CC002**  
**Milverton School, Greatheed Road, Leamington Spa**  
**Proposed installation of air handling unit and ducting and additional cladding**

Regulatory Committee 08 June 2021  
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## Appendix B.

### **Proposed installation of an Air Handling Unit with associated ductwork and cladding – Milverton School, Greatheed Road, Leamington Spa, CV32 6ES**

#### **WDC/21CC002**

##### **Planning Conditions.**

1. The development hereby approved shall commence no later than 3 years from the date of this permission.

**Reason:** To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be implemented in accordance with the details shown on drawings numbered 121880M02 Rev A 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 secure a satisfactory standard of development.

3. The development hereby approved shall be implemented in strict accordance with the Odour Tetra Tech memo dated 30<sup>th</sup> April 2021.

**Reason:** In the interests of the amenity of local residents.

4. The development hereby approved shall be implemented in strict accordance with the findings in the Noise Impact Assessment dated 6<sup>th</sup> May 2021 produced by Hoare Lee.

**Reason:** In the interests of the amenity of local residents.

##### **Development Plan Policies Relevant to the Decision.**

###### **Warwick District Local Plan 2011-2029**

**Policy DS5 - Presumption in Favour of Sustainable Development**

**Policy SC0 - Sustainable Communities**

**Policy BE1 - Layout and Design**

**Policy BE3 - Amenity**

**Policy HE1 - Designated Heritage Assets and their setting**

**Policy HE2 – Conservation Areas**

**Policy NE5 - Protection of Natural Resources**

**Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.**

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019.

**Notes**

**Nesting Bird note:**

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act (as amended). The main nesting season lasts approximately from March to September inclusive, so work should ideally take place outside these dates if at all possible. N.B birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.

**Bat Note:**

Buildings of all ages and trees with suitable features (i.e. rot-holes, cracks, fissures) are frequently used by roosting bats. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Habitat Regulations 1994 (as amended 2007), making them a European Protected Species. It is a criminal offence to recklessly disturb or destroy a known or suspected bat 'roost', even if the roost is only occasionally used. Where a bat 'roost' is present a license may be necessary to carry out any works. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 0845 601 4523. If evidence of bats is found during works, work should stop immediately and Natural England must be contacted on 01453 764450 for advice on the best way to proceed.

**Regulatory Committee - 8 June 2021**

**Erection of a two storey Sixth Form Centre, re-cladding and re-roofing existing Sports Hall, Provision for a new MUGA and other enabling works, Champion School, Sydenham Drive, Leamington Spa, CV31 1QH.**

**WDC/21CC003**

Application No.: WDC/21CC003

Advertised date: 19 March 2021

Applicant Mr Craig Cusack  
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Agent Ms Natalia Lopez  
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Registered by: The Strategic Director for Communities on 01 March 2021

Proposal: Erection of a two storey Sixth Form Centre, re-cladding and re roofing existing Sports Hall, Provision for a new MUGA and other enabling works

Site & location: Champion School And Community College,  
Sydenham Drive, Leamington Spa, CV31 1QH.  
[Grid ref: 433092.264134].

**See plan in Appendix A**

## **Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the erection of a two storey Sixth Form Centre, re-cladding and re-roofing of the existing Sports Hall, provision for a new MUGA and other enabling works subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

### **1. Application details**

- 1.1 The planning application is submitted as Phase 2 of development at Champion School to make provision for the increase in pupil and staff numbers at the school and to improve and provide additional sporting facilities. The application seeks consent for the erection of a two storey Sixth Form building; upgrading of the existing sports hall; the provision of a new MUGA and other ancillary works.
- 1.2 The proposed Sixth Form building would be located on the northern side of the school site, to the east of the entrance to the school grounds from the roundabout on Sydenham Drive. The building would be detached from the remainder of the school buildings.
- 1.3 The proposed building would comprise two 2-storey elements configured in an 'L-shape' and linked at ground floor with the entrance lobby and circulation space with a void above at first floor. The building would occupy the prominent area of the corner plot on the northern side of the school grounds.
- 1.4 At ground floor the eastern wing of the building would provide two classrooms, an area for pupil lockers, plant room, a lift close to the entrance lobby and a staircase at the eastern end, while the western wing would provide a common room space, a study area together with toilet facilities and a centrally positioned staircase. At first floor the eastern wing would provide two general classrooms and a seminar room. While first floor of the western wing would provide an ICT classroom, a study area, a staff workroom in addition to further toilet facilities.
- 1.5 The western wing of the Sixth Form building would be 30 metres in length by 9 metres in width, the eastern wing would be 22 metres in length by 10 metres in width, with the entrance lobby and circulation space the footprint area of building would amount to 498 square metres. The first-floor area of the building would be less at 460 square metres, the difference accounted for by the void space above the entrance lobby.
- 1.6 The Sixth Form is proposed to be flat roofed in construction with a height of 7.4 metres to the roof and 7.9 metres to the height of the parapet. The building would be faced with white coloured render and metal infill cladding panels.

- 1.7 The existing sports hall is clad in horizontal timber with red brick at ground floor level. The building has a barrel-vaulted polycarbonate roof. The design and access statement informs that the building is uninsulated and currently in a poor state of repair with most elements of the building needing to be replaced. The existing structure would not be able to support the additional load required for the installation of insulation. It is proposed that the existing cladding and steel structure would be removed. The existing concrete floor slab is to be retained and the replacement structure erected on the floor slab with the same footprint area. A replacement steel structure would be erected to provide a flat roofed building, reduced in height from the current building at 10.0 metres to 9.2 metres, but of adequate internal height to comply with Sport England standards. External cladding and roof coverings would improve the thermal performance of the building. Materials are indicated in the details submitted in the design and access statement to be blue bricks at ground floor level to match the materials of the adjacent newly constructed Maths and Science block approved for the Phase 1 development. White and blue vertical sections of coloured render are proposed at first floor level with the intention of breaking up the mass of the building and reflecting the Campion School's colours.
- 1.8 A new Multi-Use Games Area (MUGA) is proposed to ensure adequate sports facilities for the increased pupil numbers at the school and to ensure the provision of a sports facility on those occasions when the grass pitches are out of use as a result of the weather or unsuitable ground conditions. Following pre-application advice from Sport England, the MUGA is proposed in the location of the raised mound area on the western side of the school fields to the south of the main school buildings. The MUGA would be 37 metres by 19 metres in area, surrounded by a 3 m high green mesh fencing. Submitted information indicates that lighting would be installed for the proposed MUGA but no details have been provided.
- 1.9 The planning application informs of the enabling work required for the further expansion of the school including the installation of a new electricity sub-station and modifications to the roundabout which allows access to the school on Sydenham Drive.
- 1.10 The application submission also details refurbishment works to be carried out on existing buildings in the school complex including the conversion of 7 science classrooms and a technician lab to general classrooms and a staff breakout room; replacing the roof coverings to the existing science labs; refurbishment of the metalwork and engineering sections of the school to incorporate a refectory area, drama studio and office. These works could be undertaken as permitted development but are included in the application details for information.

## 2. Consultation

- 2.1 **Warwick District Council – Planning:** No objection. I can confirm that a housing development for approx. 500 new homes south of Champion School, Sydenham (site HO3) was allocated through the Local Plan (2011-2029). This would, if developed, propose an access along the western boundary of the school, running north to south. However there is no planning permission in place currently for this development.  
The planned extensions and alterations to the school proposed through this application are not affected by the housing allocation and therefore we would not wish to raise any objection.
- 2.2 **Warwick District Council - Environmental Protection:** No objection subject to conditions relating to Air Quality Mitigation, noise from external plant and noise control during construction.
- 2.3 **Royal Leamington Spa Town Council:** No comments received.
- 2.4 **Whitnash Town Council:** No comments to make.
- 2.5 **Councillor Helen Adkins:** No comments received during the consultation period or prior to the local election on 6<sup>th</sup> May 2021.  
  
Post election the local member is **Councillor Will Roberts – an email sent advising of the application on 21.05.21**
- 2.6 **WCC – Equality and Diversity:** No comments received.
- 2.7 **WCC – Flood Risk and Water Management:** No objection subject to a pre-commencement condition.
- 2.8 **WCC – Fire (Water Supply) Officer:** No objection. Confirmed that the proposed hydrant solution is sufficient for the site.
- 2.9 **WCC – Highways:** No objection. An assessment has been undertaken of the planning application. Based on the assessment and appraisal of the development proposals and the additional information submitted – ARCADY modelling and Stage One Road Safety Audit there are no objections subject to conditions. Proposed conditions relate to submission of details to ensure no mud on highway, HGV can manoeuvre/turn on site and parking for construction staff; Improvements to the roundabout are to be completed prior to occupation of the Sixth Form; the width of the internal access road is to be increased prior to occupation and the Green Travel Plan is to be updated.

2.10 **WCC – Archaeology:** No objection. There is a requirement for additional archaeological work, with an archaeological evaluation by trial trenching across the area of the proposed sixth form block and the MUGA. Conditions are recommended.

2.11 **WCC Ecology:**

**Bats:** The Sports Hall, the Forge and the temporary building which are to be impacted have been assessed for bat potential. The forge and temporary building have no potential with no gaps or crevices being identified. However, the sports hall appears to have numerous wall cavities accessible through the timber cladding. The survey assessed this as low potential but I do not agree with that and would recommend at least medium if not high potential for bats. Therefore, it is recommended that a full bat survey is carried out of the sports hall to determine presence or absence of bats and this can be carried out from May to September.

**Great Crested Newts (GCN):** There is a wildlife pond within a wildlife area on the school grounds in close proximity to the sports hall and proposed compound area. It is therefore recommended that an eDNA survey is carried out to determine the presence or absence of GCN and this can be carried out from March and is a relatively quick operation. If GCN are detected then further GCN surveys will be required to determine the population count and these can be carried out from May.

**Nesting birds:** There is potential for nesting birds within the wall cladding of the sports hall according to the survey report. In addition, the trees, hedgerows and vegetation on site also provide nesting opportunities. It is recommended that works are carried out outside the bird nesting season which is from March to September and if this is not possible then pre-checks will be carried out prior to any works commencing and these will be part of a CEMP.

**Reptiles:** There appears to be low potential for reptiles according to the survey and therefore a Generic reptile and amphibian information note should be attached to any permission granted.

**Badgers:** Although the surrounding area is suitable for badgers the site itself would not support badger although badgers may travel through the site. Please attach a general trench information note to any permission granted.

**Trees and hedgerows:** There are trees and hedgerows around the site. It is proposed to remove 11 trees for the proposed works and trees also surround the temporary building to be removed and replaced with cycle parking. According to the walkover survey the trees have all been assessed for bat potential with only two identified as having potential because of peeling bark, although on further inspection any bat potential was discounted. The hedgerows around the site would

also be used for commuting and foraging bats. Therefore, it is recommended that all trees remain if possible plus all hedgerows, and they will be protected by a Protection of root protection zone condition which should be attached to any permission granted.

**Biodiversity Impact Assessment (BIA):** I have viewed the BIA and am happy with it prior to the additional surveys being carried out. However, this may need to be altered following the recommended surveys and so it should not be discharged until the further surveys have been carried out, assessed and any further recommendations made.

**LEMP:** I am happy with the LEMP prior to the additional surveys being carried out. However, this may need to be altered following the recommended surveys and so it should not be discharged until the further surveys have been carried out, assessed and any further recommendations included in the LEMP.

**CEMP:** I will assess the CEMP once the further surveys have been carried out, assessed and any further recommendations included in the CEMP.

- 2.12 **Sport England:** No objection. In viewing google earth imagery the location of the proposed MUGA has not been marked out for a playing pitch and its siting would not impact or reduce the ability to mark out playing pitches on the wider playing field area, which is extensively marked out. The area of playing field identified as being unusable playing field within the DAS is also not capable of accommodating a pitch and due to the drop in land would not be capable of forming part of a pitch within the wider playing field area. Given the above, Sport England is satisfied that the proposed development meets exception 3 of our playing fields policy, in that:

'The proposed development affects only land incapable of forming part of a playing pitch and does not: reduce the size of any playing pitch; result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; result in the loss of other sporting provision or ancillary facilities on the site; or prejudice the use of any remaining areas of playing field on the site.' This being the case, Sport England does not wish to raise an objection to this application.

- 2.13 **Warwickshire Police:** No objection. I am responding to this application on behalf of Warwickshire Police in relation to Crime Reduction and Community Safety matters as the assigned Designed Out Crime Officer for Warwickshire. I have examined the plans submitted. This has been done with reference to the advice contained within National Planning Policy Framework, Planning Practice Guidance, 'Safer Places - The



Planning System and Crime Prevention' and 'Crowded Places'. All of the proposed work is being carried out within the boundary of the school that has a secure boundary, Warwickshire Police have no objections to this application.

- 2.14 Site notices were displayed on 19 March at 10 locations around the perimeter of the school grounds. In addition, a press notice was published in the Leamington Courier on Friday 19 March.
- 2.15 Neighbour notification letters were sent by post to the 57 nearest residential properties.

### **3. Representations**

- 3.1 One local resident commented on the proposed development at the school and drew attention to an outline planning application (W/20/0617) for 200 dwellings on land to the south of Campion School, refused by Warwick District Council on 12 February 2021. An appeal has been lodged against the refusal with an inquiry scheduled for 13 July 2021. The local resident is concerned at the number of houses that could be served by the single access road, Chesterton Drive and that development at Campion School should not prevent the future provision of an additional access road to serve the residential area surrounding the school.

### **4. Previous Planning History**

- 4.1 The secondary school was founded during the late 1970s when the school moved to the site into new buildings. There have subsequently been a number of planning applications for the erection of additional buildings on the school site with a sixth form classroom block erected in 1977 (Ref: W/77/0968) and a further extension to the building in 2000 to provide a teaching block and art studio (W/00/CC044). Floodlighting was approved by Warwick District Council in 1983 (W/83/0789). Security gates and fencing at the front entrance to the school were approved in 2010 (W/10/CC007) and solar panels installed in 2011 (WDC/11CC015).
- 4.2 The good reputation of the school and development of additional residential properties increasing population in the catchment area has resulted in an increasing demand for school places. Expansion of the school is being undertaken in two phases. The Phase 1 expansion of the school (WDC18CC015) was approved in May 2019 and comprised the erection of the new 17 classroom science and maths block in addition to the provision of additional parking and ancillary works. Those works were completed during 2020 and the classroom building occupied during the Autumn term of 2020. The current application presents the details of the Phase 2 development required to accommodate the school population as it progressively reaches capacity following the increase to an 8-form entry.

## **5. Assessment and Observations**

### **Site and Surroundings**

- 5.1 Champion School is located approximately 2 kilometres to the south-east of Leamington Spa town centre. The school grounds extend to some 10 hectares in area.
- 5.2 The northern boundary of the school is adjacent to the Asda superstore, the store's car park and the petrol filling station. In addition, there are five residential dwellings with rear garden boundaries that abut the northern boundary. The boundary between the school and the Asda site is screened by a mixed species hedge predominantly of hawthorn.
- 5.3 The playing fields to the south and east of the school buildings are surrounded by residential properties with rear gardens bounding onto the school site. Views into the school site are screened by boundary hedgerows and trees.
- 5.4 The railway line running between Leamington Spa and Banbury marks the entire length of the western boundary of the school site. The railway line is in a cutting in the vicinity of the school with a substantial area of landscaping screening between the two sites as a result the railway is not viewed from the school.
- 5.5 The school site is accessed from the southern spur of the roundabout at the junction of Prospect Road, Sydenham Road and Chesterton Drive. The school's internal access road leads to a parking area in the north-western area of the school site; a parking area on the eastern side of the school grounds and to a central parking area re-developed as part of the phase 1 development of the school, with a circular route providing a pupil drop-off area and to a further parking area to the east of the main school buildings. Electric vehicle charging points are installed to serve 3 parking spaces in the central car park. There are two disabled spaces in the central car park close to the school reception and a further two disabled spaces in the eastern car park area.
- 5.6 The proposed Sixth Form building would be positioned to the east of the gated entrance to the school on a site that is currently a grass mound planted with a circle of young willow and with silver birch and cherry trees around the edges of the mound. The proposed MUGA would be positioned to the south of the existing school buildings on a grass mound on the western side of the playing field adjacent to the line of the railway cutting. The existing sports hall which would be substantially re-built is located towards the eastern side of the school grounds and north of the recently constructed Maths and Science building.

## Planning Policy

### National Planning Policy

- 5.7 **Paragraph 11** of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:
- (a) proposals which accord with an up-to-date development plan should be approved without delay; and
  - (b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:
    - the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 5.8 **Paragraph 12** goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.9 In this case the up to date plan is the Warwick District Local Plan (2011 – 2029), adopted in September 2017. The application should therefore be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise.

### **National Planning Policy Framework**

- 5.10 The NPPF states that the planning system has three overarching objectives; economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take

local circumstances into account, to reflect the character, needs and opportunities of each area.

- 5.11 **Paragraph 91** of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction; are safe and accessible, so that crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion.
- 5.12 **Paragraph 94** states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
  - b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
- 5.13 **Paragraph 108** states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 5.14 **Paragraph 109** states the development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.15 **Paragraph 111** states that all development that will generate significant amounts of movement should be required to provide a travel plan and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 5.16 **Paragraph 127** states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive, sympathetic to local character and create places that are safe, inclusive and accessible.

- 5.17 **Paragraph 163** states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 5.18 **Paragraph 170** states that planning decisions should contribute to and enhance the natural and local environment by means including minimising impacts on and providing net gains for biodiversity.

### **The Development Plan**

#### Warwick District Adopted Local Plan 2011 – 2029 (Sept 2017)

- 5.19 **Policy DS5 Presumption in Favour of Sustainable Development:** indicates that the planning authority will take a positive approach that reflects the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF).
- 5.20 **Policy SC0 Sustainable Communities:** requires that new development should be high quality and should ensure that it is brought forward in a way which enables strong communities to be formed and sustained. It is also important that new development protects and enhances the historic, built and natural features that make Warwick District a great place. To achieve this the development should:
- a) deliver high-quality layout and design to integrate with existing communities;
  - d) ensure access and circulation are inclusive and provide for a choice of transport modes, including public transport, cycling and walking;
  - e) take account of community safety, including measures to prevent crime and road accidents;
  - g) minimise energy and water consumption and take account of opportunities to promote renewable energies where appropriate;
  - h) ensure proposals are adaptable to climate change;
  - i) have a focus on healthy lifestyles, including measures to encourage walking and cycling, to provide access to open space, play areas, playing fields and sports facilities and to encourage healthy diets;
  - j) protect and where possible enhance the natural environment including important landscapes, natural features and areas of biodiversity; and
  - l) manage flood risk to ensure that proposals do not unduly increase the risk of flooding
- 5.21 **Policy BE1 Layout and Design:** states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate for example that it respects surrounding buildings in terms of scale, height, form and massing; adopts appropriate materials; incorporates necessary services and drainage infrastructure; meets the highest standards of accessibility and inclusion for potential users regardless of disability, age or gender

and ensures that layout and design addresses the need for development to be resilient to climate change.

- 5.22 **Policy BE3 Amenity:** states that development will not be permitted that 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 and occupiers of the development.
- 5.23 **Policy TR1 Access and Choice:** states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles.
- 5.24 **Policy TR2 Traffic Generation:** All large-scale developments (both residential and non-residential) that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic.

Any development that results in significant negative impacts on the health and wellbeing of people in the area as a result of pollution, noise or vibration caused by traffic generation will not be permitted unless effective mitigation can be achieved.

Any development that results in significant negative impacts on air quality within identified Air Quality Management Areas or on the health and wellbeing of people in the area as a result of pollution should be supported by an air quality assessment and, where necessary, a mitigation plan to demonstrate practical and effective measures to be taken to avoid the adverse impacts.

A Transport Statement may be required for development that has relatively small transport implications in line with the Guidance on Transport Assessments.

All measures required in the policy should take full account of the cumulative impact of all development proposed in this Plan (and any other known developments) on traffic generation and air quality.

- 5.25 **Policy TR3 Parking:** Development will only be permitted that makes provision for parking which: -
- a) has regard to the location and accessibility of the site by means other than the private car;
  - b) does not result in on-street car parking detrimental to highway safety;
  - c) takes account of the parking needs of disabled car users, motorcyclists and cyclists; and
  - d) takes account of the requirements of commercial vehicles.

Development will be expected to comply with the parking standards set out in the most recent Parking Supplementary Planning Document.

- 5.26 **Policy HS7 Crime Prevention:** States that the layout and design of development will be encouraged to minimise the potential for crime and antisocial behaviour and improve community safety. Development proposals will be expected to demonstrate amongst other issues that they make provision for appropriate security measures, including lighting, landscaping and fencing, as an integral part of the development.
- 5.27 **Policy CC1 Planning for Climate Change Adaptation:** states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of the following adaptation measures where appropriate:
- a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
  - b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1;
  - c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3;
  - d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2; Applicants will be required to set out how the requirements of the policy have been complied with including justification for why the above measures have not been incorporated.
- 5.28 **Policy CC3 Buildings Standards and other Sustainability Requirements:** states that all non-residential development over 1000 sq. m is required to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent), unless it can be demonstrated that it is financially unviable or a suitable alternative sustainability strategy is proposed and agreed with the Council.
- 5.29 **Policy FW1 Reducing Flood Risk:** states that planning applications should be submitted in line with the revised validation checklist that has guidance on the national approach to meeting the sequential and exception tests and meeting the requirements of the NPPF.
- 5.30 **Policy FW2 Sustainable Drainage:** states that all new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan. There will be a presumption against underground storage of water, and it should support the delivery of green infrastructure.

All new development sites will discharge at the QBAR (see glossary) greenfield run-off rate, including an allowance for climate change; for sites with a life expectancy of less than 60 years, a 20% allowance

must be applied; for sites with a greater than 60-year life expectancy, the allowance must be 30%.

SuDS schemes must be located outside the floodplain; ideally this should be within the development site or close to the site as part of a master planned drainage scheme. Priority should be given to SuDS that incorporate green infrastructure, including green roofs, walls and rain gardens

- 5.31 **Policy NE3 Biodiversity:** states that New development will be permitted provided that it protects, enhances and / or restores habitat biodiversity. Development proposals will be expected to ensure that they:
- a) lead to no net loss of biodiversity, and where possible a net gain, where appropriate, by means of an approved ecological assessment of existing site features and development impacts;
  - b) protect or enhance biodiversity assets and secure their long-term management and maintenance, and;
  - c) avoid negative impacts on existing biodiversity. Where this is not possible, mitigation measures must be identified. If mitigation measures are not possible on site, then compensatory measures involving biodiversity offsetting will be required.
- 5.32 **Policy NE5 Protection of Natural Resources:** States that development proposals will be permitted provided that they ensure that the district's natural resources remain safe, protected and prudently used. Development proposals will be expected to demonstrate that they:
- a) do not give rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors;
  - b) ensure that, where evidence of contamination exists, the land is made fit for its intended purpose and does not pose an unacceptable risk to sensitive receptors.
- 5.33 **Policy HE4 Archaeology:** States that the Council will require that any remains of archaeological value are properly evaluated prior to the determination of the planning application. Where planning permission is granted for development which will have an adverse effect on archaeological remains, the Council will require that an agreed programme of archaeological investigation and recording precedes development.
- 5.34 **Warwick District Council Parking Standards Supplementary Planning Document (SPD)** has been revised to supplement Policy TR3 of the Adopted Local Plan.

Paragraph 4.7 of the SPD states: it is recognised that a degree of flexibility may be required due to the specific circumstances of a



development proposal. Where it can be demonstrated that parking demand is likely to be lower than the prescribed standard, or indeed in excess of the prescribed standard, a flexible approach will be taken. Deviation from the standards may be deemed appropriate where the applicant can demonstrate specific circumstances in respect of one or more of the following:

#### Lower Provision

1. The presence of capacity for additional demand to be accommodated on street without detrimentally affecting the safety and convenience of residents and occupiers
2. The presence of sufficient capacity in local off street car parks to accommodate any increase in parking demand
3. The development is located in an area that is demonstrably accessible by alternative modes of transport (e.g. the town centres of Leamington, Warwick and Kenilworth as defined in the Local Plan)
4. The development will not generate any (or negligible) parking
5. The development will generate significantly less parking than prescribed in the standard (e.g. meeting a specific local need)
6. The development meets other planning objectives and would not unacceptably worsen the parking situation.

#### Higher Provision

7. The needs of the business require higher parking, despite demonstrably promoting alternative modes of travel.

### **Amenity and Environmental Issues**

#### **Design and Appearance and Impact on Local Amenity**

- 5.35 The existing buildings on the school site are of a flat roof design ranging from single to three-storey. There is a mixed palette of materials with brickwork, timber cladding, brown hanging tiles, concrete render with blue inset panels beneath windows. The two-storey flat roofed Maths and Science building erected for Phase 1 introduced blue facing bricks, grey coloured render and iridescent cladding.
- 5.36 The proposed Sixth Form building would occupy a prominent position in the street scene. The two-storey flat-roofed building has been designed to create a bold 'gateway' for the school site. The building would be elevated above the ground levels of the neighbouring road network, but would be screened from view to a degree by the hedges and vegetation on the boundary between the school site and the neighbouring footpath linking to the Asda petrol filling station and supermarket car park. The development is proposed to be finished with white rendered elevations with contrasting metal infill cladding panels. A condition is recommended for the approval of details of materials (condition 3).

- 5.37 The closest residential dwellings to the proposed Sixth Form building are the houses in Wilnecote Grove some 60 metres to the north, on the northern side of Chesterton Drive. There would be no overlooking or overshadowing of those dwellings as result of the proposed development. The design of the building is considered to be acceptable and to make a positive contribution to the street scene. No comments have been received from local residents or from the Royal Leamington Spa Town Council in respect of the proposed Sixth Form while Whitnash Parish Council responded that they had no comment to make.
- 5.38 The proposed re-cladding of the existing timber sports hall would create a flat-roofed building with blue brick at ground floor level, to match the adjacent Maths and Science building, and a render finish at first floor coloured in vertical blocks of blue and white of differing widths designed to visually break up the mass of the building. A planning condition is recommended for the approval of the materials (condition 3). The building is viewed across the playing field and netball courts from residential properties over 100 metres to the east of the school and seen in the context of the school buildings. No comments have been received from neighbouring residents in relation to the proposed works to the sports hall. There is considered to be no adverse impact on the visual or residential amenity of the neighbouring dwellings as a result of the re-cladding of the sports hall.
- 5.39 The proposed MUGA would be located on the playing field to the south of the existing school buildings. There are no residential properties within the vicinity of the proposed development. The closest dwellings are located over 100 metres to the west and are separated by the cutting of the railway line and the mature trees and vegetation that run along the route of the railway line. The MUGA would be enclosed by 3-metre-high fine green mesh fencing, with a polymeric playing surface comprised of a bound rubber granulate material. Floodlighting is proposed. The detail of the external lighting layout submitted with the planning application indicates the lux levels emitted over the area surrounding the MUGA and shows that light would not spill beyond the grounds of the school. It is considered that there would be no adverse impact on visual or residential amenity in the area as a result of installation of the MUGA. A condition is recommended for the MUGA lighting to accord with the submitted details (condition 16).

### **Need and Pupil Numbers**

- 5.40 Champion School is a secondary school with pupils from Year 7 to Sixth Form. In recent years the school was a 5-form entry but was not at full occupation levels as year groups were not reaching their maximum capacity. However, since 2018 the school has seen an increase in the number of pupil admissions due largely to residential developments in the surrounding area. In September 2018 the Year 7 intake was at capacity. In September 2020, the school year 2020/21, the school

increased to an 8-form entry which by 2024 will result in the pupil numbers attending the school increasing to a total of 1202.

- 5.41 The expansion of the school facilities is being undertaken in two phases, with the recently erected Phase 1 Maths and Science building providing 17 classrooms to cater for the increased school roll. While not all pupils would continue at Campion School into the Sixth Form, the school's existing Sixth Form facilities are not currently adequate and would not be able to accommodate the future increase in numbers of Sixth Form students. The proposed building would provide a free-standing facility for some 200 students in Year groups 12 and 13 with pupil numbers on the school site increasing to between 1375 and 1400 by the school year 2026/27.

### **Car Parking and Highway Issues**

- 5.42 The Transport Assessment submitted in 2018 for the previous planning application for the Maths and Science building (WDC/18CC015), was prepared at that time to also include the requirements to support the planning application for the phase 2, Sixth Form development. The Assessment shows the total pupil numbers over time as the change from a 5 form to an 8-form entry in from 2020 onwards increases the school roll until capacity is reached in 2026 with some 1400 pupils.
- 5.43 In commenting on the previous planning application, the Highway Authority considered that the first phase of the school expansion could be accommodated on the local road network. However, a capacity enhancement scheme would be required for the phase 2 development. Details of the necessary alterations to the highway, with works proposed to the roundabout serving the entrance to the school, Chesterton Drive, Sydenham Drive and Prospect Road to increase the capacity of the roundabout have been submitted to support the current application.
- 5.44 The highway details submitted with the application enabled an assessment of the capacity and delays on the roundabout as a result of traffic associated with the school reaching capacity following the expansion to an 8-form entry together with other committed developments in the area.
- 5.45 WCC Transport Planners advised the Highway Authority that the modelling shows the improved roundabout junction would continue to operate with residual capacity in the 2028 scenario with full occupation of the school development. The Highway Authority have raised no objection. A condition is recommended to ensure the road improvements have been satisfactorily implemented before the Sixth Form is occupied (condition 17).

- 5.46 The Transport Assessment notes that the width of the existing school access road reduces in width within the school grounds to create a pinch point preventing the two-way passage of vehicles which causes vehicles to block back towards the roundabout. This section of the school's access road is required to be widened to allow two vehicles to pass. A condition is recommended to ensure the access is widened prior to occupation of the Sixth Form (condition 19).

Car Parking:

- 5.47 The Warwick District Council Parking Standards Supplementary Planning Document (SPD) supplements Policy TR3 of the Local Plan that was adopted in September 2017. The parking standard for schools requires the provision of 2 spaces per classroom for staff and visitors and facilities for picking up and setting down children as determined by Travel Plan. The SPD advises that where it can be demonstrated that parking demand is likely to be lower than the prescribed standard, a flexible approach will be taken.
- 5.48 Alterations to the parking provision on the school site were approved and implemented for the Phase 1 development. The main central car park area to the north of the existing school buildings was altered to increase the number of car spaces and to improve the circulation of traffic with a drop-off/pick-up facility on the southern side of this area. In considering the previous planning application, a total of 126 car spaces were provided on the school site, including 46 additional car spaces (12 spaces in excess of the 34 additional car spaces required to meet the SPD standard for the 17 new classrooms of the Phase 1 development).
- 5.49 The proposed Sixth Form building would provide an additional 6 classrooms on the school site, generating a requirement for 12 car spaces to meet the full SPD standard. The details submitted with the current application propose 11 additional car spaces adjacent to the Sixth Form building, including 2 disabled spaces. While there would be a shortfall by 1 car space from the full standard set out in the SPD for the 6 classrooms, it is considered that the provision proposed is adequate to meet the parking requirements for the additional staff associated with the Sixth Form. A condition is recommended for the 11 additional car spaces to be completed and available prior to the occupation of the Sixth Form (condition18).

Cycle Parking:

- 5.50 The Warwick District Council Parking SPD states that the provision of cycle parking spaces for a school is required at a rate of 1 space per 5 members of staff and 1 space per 3 students. The requirement for cycle parking on full occupation of the phase 1 development was factored up and anticipated that 156 pupils would potentially cycle to school. Cycle provision was increased as a result of the phase 1

development at the school, although with a reduced provision from the SPD requirement as the facilities provided on site met the level of demand. In discharging condition 15 of the previous consent, relating to Air Quality (as recommended by Warwick District Environmental Health Officer), a cycle storage hub was accepted as part of the air quality mitigation measures, with a bike and e-bike hire scheme and the provision of a sheltered storage rack system for 16 bicycles. The cycle hub which would serve the phase 2 in addition to phase 1 development, is to be provided following the removal of a temporary building located to the south-east of the central parking area, and provision of cycle parking is to be monitored and reviewed as part of the Green Travel Plan process.

Access for Construction:

- 5.51 The application details advise that construction of the proposed development would be programmed to be completed within some 56 weeks. There is only one entrance to the school site, accessed from the roundabout off Chesterton Drive at the north western corner of the site. Construction traffic would need to be carefully integrated with the school's access for parking and to maintain the school's access to the playing field and MUGA and playground areas during the construction. A Site Environmental Management Plan (Construction Management Plan) has been submitted with the planning application.
- 5.52 The Management Plan describes the location of three compounds for the duration of the works proposed on the school site. Compound 2 is located to the east of the site of the Sixth Form building and would be used for the unloading of delivery vehicles. Deliveries are to be coordinated to avoid peak times at the beginning and end of the school day, with no deliveries between 08:00 and 09:00 and between 15:00 and 16:00. A 'Banksman' would be employed to ensure that vehicles operating within the school grounds do so safely. Distribution of plant and materials to and from the main compound areas to areas of construction work on the site would be only undertaken at times (before or after school) when there would be no staff or pupils in the area.
- 5.53 The Highway Authority raised no objection but commented that additional information would be required prior to commencement of construction. Details of measures to prevent any mud/debris being carried onto the public highway; confirmation that HGVs can turn and manoeuvre within the designated/unfenced area and the location of construction staff parking during school term time are all required to be provided. A condition is recommended that a Construction Management Plan to include the details above be submitted and approved prior to commencement (condition 9).

### **Accessibility**

- 5.54 The proposed Sixth Form building has been designed in accordance with UK Building Regulations, Part M and BS8300:2018 to ensure the facilities provide inclusive access throughout the development.
- 5.55 The main entrance to the building would have powered doors while other entrance doors would be openable with an acceptable level of force. Thresholds would be flush with an upstand of less than 15mm. Entrance doors would be well lit and contrast in colour to the walls. The main entrance would have a minimum clear opening width of 1000mm while all other doors would have a minimum clear opening of 800mm. A lift would provide access to the first floor in addition to a staircase serving each of the wings of the building.
- 5.56 Separate disabled WC facilities for pupils and staff/visitors would be provided with one at both ground and first floor.
- 5.57 The reception and the main atrium would have hearing loops installed for those with audible disability.

### **Ecology Issues**

- 5.58 The application site has no nature conservation status. The railway cutting to the west of the school is a Local Wildlife Site (LWS) and 300 metres to the east of the school site is the Whitnash Brook which is a LWS and a Local Nature Reserve. There are records of bats and hedgehog and reptile and amphibian habitat in the surrounding area including the neighbouring allotments to the south and the railway cutting to the west.
- 5.59 The planning application was supported by the Ecological Appraisal prepared by Guma Ltd in February 2021. The Appraisal identifies the ecological constraints for the proposed development. The habitats that would be permanently lost consist of amenity grassland, hardstanding and standard trees which could be replaced and enhanced elsewhere on the school site with the result that the proposed development could result in a biodiversity net gain. The Appraisal identified the existing timber clad sports hall as having a low potential for roosting bats. The trees within the area of the proposed development were inspected and determined to have no potential features for bat roosting. The trees and hedgerows on the school site do have potential for bat foraging and commuting. The removal of a small number of mature trees on the site of the proposed Sixth Form building would however be unlikely to have an impact on foraging or commuting bats. The report states that there is potential for nesting habitat and foraging for birds within the hedges, trees and the dense shrubs. The sports hall has cavities in the timber cladding that could provide nesting bird habitat. The school site provides limited terrestrial habitat for amphibians, including a pond on the school site.

### Bats

- 5.60 The County Ecologist considered that given the condition of the timber cladding the sports hall had a least a medium if not high potential for bats and therefore recommended that a bat survey be undertaken. A dusk survey was carried out in May 2021 when no bats were recorded emerging from the building and no activity recorded around the building. A further bat survey at dawn is scheduled for 25<sup>th</sup> May. The County Ecologist's initial recommendation for a bat survey condition (condition 4) is maintained (which would require a mitigation plan should bats be found to be present in the building to be demolished) unless the further survey results prove no bats to be present are received before the application is determined by Regulatory Committee when the condition could then be removed.

### Trees

- 5.61 The Tree Survey and Arboricultural Impact Assessment prepared by Haydens submitted with the application indicates 11 trees are to be removed for the construction of the Sixth Form building, in addition to a 'willow tunnel' planted on the site. The trees are predominantly cherry with some silver birch. The soft landscaping plan indicated that a total of 28 replacement trees are proposed to be planted in the grass areas surrounding the school car park, consisting of Field Maple, Sycamore, Rowan and Beech trees. Tree protection measures are indicated on the proposed landscape plan submitted with the planning application. The County Ecologist recommends a condition to ensure the tree protection measures are installed prior to works on site commencing (condition 5). In addition, conditions are recommended to ensure the planting of the replacement trees and their future maintenance (conditions 12 and 13).

### Great Crested Newt

- 5.62 In view of the proximity of a wildlife pond in the school grounds to the proposed sports hall works, the County Ecologist required an eDNA survey be carried out to determine the presence or absence of Great Crested Newts (GCN). The survey of the pond was undertaken in April 2021. The Analysis report submitted in May concluded that GCN are likely to be absent from the pond and that no restrictions on the proposed works for the sports hall would be required in relation to GCN.
- 5.63 A Landscape and Environmental Management Plan (LEMP) was submitted with the planning application to ensure that the development is constructed and managed in accordance with planning requirements and wildlife legislation, and to ensure the delivery of the proposed ecological enhancements in order to maximise the potential for gains on the school site. The County Ecologist was satisfied with the LEMP prior to the additional surveys being carried out for bats. However, it

may be necessary for the LEMP to be updated depending on the findings of the recommended surveys and for this reason a condition is recommended for the LEMP to be approved prior to work commencing on site (condition 11). This could change if the bat survey results show no bats and the LEMP is acceptable in the current version – the recommended condition could be amended for the development to be implemented in accordance with the submitted LEMP.

- 5.64 The Site Environmental Management Plan prepared by Speller Metcalfe and submitted with the application includes details relating to the impact on Ecology during construction. The County Ecologist advised that the document would be assessed once all surveys are completed, assessed and any further recommendations included in the document. A condition is therefore recommended for a Construction and Environmental Management Plan (CEMP) to be approved prior to work commencing on site (condition 10).

### **Environmental Health**

#### Plant Noise:

- 5.65 The plant proposed to be installed on the application site to serve the Sixth Form building are indicated as a condenser compound to be located to the north-east of the building and a smaller condenser compound to be positioned to the of the west facing elevation of the building to serve the ICT suite.
- 5.66 An Environmental Noise Assessment was submitted with the application to determine the impact of noise generated by the proposed plant on local noise sensitive receptors, including the residential properties in the area and the occupants of the school building.
- 5.67 The noise survey for the assessment was carried out in January 2021 during the 3<sup>rd</sup> national Covid-19 lockdown, as a result road traffic and train noise were at a reduced level in comparison to the typical noise climate of the site. Historical traffic data was used to determine the level of correction required (+4dB) to derive the expected noise level outside of Covid-19 restrictions. The assessment used the noise level limit set in the planning condition recommended by the Warwick District Council Environmental Health Officer attached to the planning consent for the Phase 1 development at Campion School approved in 2019, which stated:

*Noise arising from any plant or equipment, when measured one metre from the façade of any neighbouring dwellings, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq (5mins)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whin, screech, hiss. Hum, etc) or if there are discrete impulses (bangs, click, clatters, thump etc)*



*or if the noise is irregular enough to attract attention, 5dB shall be added to the measured noise level.*

- 5.68 Data in the Noise Assessment was used to calculate the predicted noise levels at the noise sensitive receptors. The report concluded that the cumulative noise level at the nearest residential properties would be below the specific noise level limits set in the previous planning condition. However, the noise levels generated by the condensers /air source heat pumps at the facades of the proposed Sixth Form building were predicted to be above 48dB and could impact the internal noise level limit set for teaching spaces and therefore required a mitigation strategy with the erection of acoustic fencing. (Building Bulletin 93 (BB93) relates to the acoustic design of schools and specifies the maximum indoor ambient noise levels for all teaching and ancillary spaces.)
- 5.69 While the Noise Assessment indicates the condensers to be only partially screened by acoustic fencing, the details submitted in the block plan for the Sixth Form show the condenser compounds to the west and north-east of the building, enclosed on all four sides.
- 5.70 The Environmental Health Officer at Warwick District Council advised that within the noise assessment the residential noise criteria for external plant appeared to have been incorrectly derived. Using the acceptable criteria, the predicted noise impacts would require an additional 3dB mitigation. The partial enclosure of the plant as suggested in the noise assessment has the potential to increase noise levels at residential developments by reflecting and focusing the noise towards residential receptors. In addition, the Environmental Health Officer recommends that as the specifications of the proposed plant units have not been supplied in the assessment, a Noise Verification report should be submitted to demonstrate compliance with a noise condition as set out above (condition 15).

MUGA noise:

- 5.71 The Environmental Noise Assessment states that a noise impact assessment was undertaken for the proposed MUGA which would be new source of noise. The World Health Organisation (WHO) guidelines for Community Noise advise that noise levels at the façade of residential dwellings should not exceed 50dB L<sub>Aeq</sub>. Sport England produced a Design Guidance Note to enable a consistent method to be followed in the assessment of noise assessment of MUGA facilities. Using noise modelling the submitted Assessment concludes that the predicted noise from the MUGA at the residential properties to the west in Haseley Close and Redland Road; to the south in Grayling Crescent and those to the east off St Fremund Way would at worst be between 40 dB L<sub>Aeq</sub> and 44 dB L<sub>Aeq</sub>, which would be below the 50dB L<sub>Aeq</sub> WHO limit. The risk of compliant of noise is considered by the report to be low.

Construction impacts:

- 5.72 Construction works on site for the proposed development would be a source of noise. The Environmental Health Officer noted that as the Construction Management Plan makes only limited reference to noise control a planning condition is recommended to ensure there is adequate noise control maintained during the construction works (condition 14).

Air Quality:

- 5.73 In determining the previous planning application for the phase 1 development at the school, the Environmental Health Officer advised that the local roads serving the school and surrounding area have links with the Air Quality Management Area in South Leamington which has been declared due to air pollution levels exceeding the national air quality objectives, particularly with regard to nitrogen dioxide. Condition 15 attached to that previous consent (WDC/18CC015) required submission and approval of an appropriate air mitigation scheme. That condition was discharged by the provision of 3 electric vehicle charging points in the central parking area, the increase in the provision for cycling including the creation of the Cycle Hub and an updated Green Travel Plan.
- 5.74 The Air Quality Mitigation Statement submitted to support the current application details that the proposed development is classed as 'medium' in the Warwick District Council's Air Quality and Planning Supplementary Planning Document. As a result, both Type 1 and Type 2 mitigation measures are required.
- 5.75 For Type 1 mitigation, there is a requirement for the provision of 1 rapid charging unit per 50 car spaces. The phase 1 development provided 23 additional car spaces while the current proposal adds a further 11 spaces. The total of 3 electric vehicle charging points provided in the central car park on completion of the Phase 1 development has been agreed by the Environmental Health Officer to be adequate to meet the Type 1 mitigation requirement for both phases 1 and 2.
- 5.76 Type 2 mitigation measures include the updating of the school's Green Travel Plan to encourage healthier and more environmentally friendly forms of transport, reduce dependence on the car and improve safety on the journey to school and the provision of a further 10 cycle parking spaces in addition to the Cycle Hub that was accepted for the phase 1 development.
- 5.77 The Environmental Health Officer stated that as the Travel Plan submitted with the application does not include the increase in pupil numbers that will be experienced by the time the Phase 2 development is completed, a condition should be imposed for the Green Travel Plan

to be reviewed and updated within the first six months of occupation of the Phase 2 development (condition 20).

### **Flood Risk and Drainage**

- 5.78 The Flood Risk Assessment submitted to support the application indicates that the school site is located entirely within Flood Zone 1 where there is considered to be very low risk of flooding from rivers and the sea. The risks of flooding from groundwater on the site are considered low, while the risk of flooding from surface water is indicated to be very low.
- 5.79 The Environment Agency and NPPF requirements are generally for new drainage to incorporate Sustainable Drainage Systems (SuDS) elements where possible to reduce and control surface water run-off.
- 5.80 The drainage details proposed for the Phase 2 works at Campion School would include the new Sixth Form block next to the school entrance, a new parking area adjacent to the existing central parking area; refurbishment of the sports hall and the MUGA at the northern end of the playing field.
- 5.81 Drainage details for the Sixth Form building indicate that runoff from the building roof would be collected by pipes and conveyed to an underground geo-cellular tank to be located under the proposed additional car park to the south-east of the building. The additional car park area would have permeable 'Type C' pavement underlaid with a non-permeable sub-grade. An impermeable liner would ensure that water percolates to the base would be collected and drained away.
- 5.82 The MUGA is designed with sub-surface drainage pipes to be connected to the existing playing pitch land drainage to direct any collected water into the pitch drainage system.
- 5.83 The County's Flood Risk and Water Management Team as the Lead Local Flood Authority (LLFA) advised that while the applicant had demonstrated the principles of an acceptable surface water management scheme at the site further information is required and therefore recommended a pre-commencement condition for drainage (condition 21).

### **Fire Safety**

- 5.84 The Fire Suppression and Alarms Systems Risk Assessment provided by the applicant indicates that there is not a requirement to provide a fire sprinkler system to be installed within the proposed development. The Fire Officer raised no objection to the scheme and confirmed that the location of the proposed hydrant locations and mains size are satisfactory to provide an adequate water supply to serve the new building in case of a fire.

### **Sustainable Design**

- 5.85 The Energy Statement Report submitted to support the planning application details that air source heat pumps would be used for heating and hot water for the Sixth Form development. The proposed solution was evaluated to be the best low carbon option for the building compared to the use of gas boilers and ground source heat pumps which would be slightly more efficient, but space and cost would prevent their use. The report also details that high efficiency lighting with presence detection and daylight dimming in classrooms and local hybrid ventilation to classrooms and other rooms where natural ventilation would not be sufficient would be employed in the building to ensure efficient energy use.
- 5.86 Policy CC3 of the Warwick District Adopted Local Plan requires all non-residential development over 1000 m<sup>2</sup> to achieve as a minimum BREEAM standard. While the floor area of the proposed Sixth Form building is under the 1000 m<sup>2</sup> the fabric first approach and use of air source heat pumps does ensure that the proposed building accords with the requirements of the development plan.

### **Heritage**

- 5.87 There are no listed buildings within the immediate vicinity of the application site. The closest listed building is the Old Whitnash School a grade II property in Whitnash some 500 metres to the south-west of the site of the new classroom block. The Whitnash (Church Green) Conservation Area is also to the south-west of the application site and at a distance of over 400 metres. The cutting of the railway line runs between the application site and the area of Whitnash. Given the distance between the school site and the conservation area, and the amount of landscaping along the railway cutting, there is no impact as a result of the school development
- 5.88 The location of the proposed Sixth Form building is a raised mound which would require to be levelled to accommodate the building. The mound is likely to be a spoil bund from the original construction of the school buildings and sits above the original ground level. To determine whether there is archaeology on the site, trial trenching is required. The applicant is proposing trial trenching to be undertaken prior to determination of the planning application in order that works may commence as soon as possible. Trenches are proposed around the edges of the existing mound area. The County Archaeologist has indicated that trialling should take place when the soils have been removed and the ground level of the site reduced to be closer to the original ground levels to ensure the central area is also trial trenched. A condition has recommended for the archaeological work required (condition 6).

- 5.89 The proposed MUGA is also located in the area of a grassed mound or bund positioned above the original ground level. The applicant has advised that the mound would be reduced and levelled to construct the MUGA but would remain above the original ground level and would not therefore impact any potential archaeology. The County Archaeologist stated that it would not be necessary to examine this area by trial trenching provided that details are submitted to show that the reduced levels would not impact original ground level and any potential archaeology (condition 7). In addition, it should be ensured that disturbance would be prevented over the longer term for example that no upgrading of the MUGA in the future (which may not require planning permission) would not at that future time have an archaeological impact (condition 8).

## **6. Conclusions**

- 6.1 While the Sixth Form building would occupy a prominent location in the street scene, the location and design of the building is considered acceptable in the context of the school site. The building would not have an adverse impact on local amenity and is considered to accord with the NPPF and policies BE1 and BE3 of the Local Plan.
- 6.2 The redevelopment of the Sports Hall to alter the external appearance of the building from a barrel-roofed timber clad structure to a flat roofed blue and white rendered building would be seen against the backdrop of the existing school buildings and would not have an adverse impact on visual or residential amenity. The development is considered to accord with policies BE1 and BE3 of the Local Plan.
- 6.3 Sport England advised that the MUGA be sited in the proposed location to avoid any loss of the school playing field. The supporting application documents conclude that there would be no adverse noise impact for neighbouring residents as a result of the installation of the MUGA. The lighting proposed for the MUGA would not spill beyond the grounds of the school and would not have a detrimental impact on the visual amenity of the area. The MUGA development is considered to accord with policies BE1 and BE3 of the Local Plan.
- 6.4 The Highway Authority stated no objection to the proposed development subject to the implementation of the scheme of highway improvements for the upgrade to the Sydenham Drive/Chesterton Drive roundabout serving the access to the school. The 11 car parking spaces proposed to be provided for the Sixth Form development, while one space less than the 12 spaces required by the Warwick District Council Parking SPD are considered to be adequate and would not be a reason to recommend refusal of the development. The provision of the Sixth Form facility to meet the needs of the growing school roll is a planning objective that would justify a degree of flexibility in the application of the SPD parking standards for schools. On these grounds the proposed development is considered to be acceptable in

the light of a flexible approach advocated by the SPD to Policy TR3 of the Local Plan.

- 6.5 The development is considered to be in accordance with the requirements of the NPPF and local policies and is recommended for approval subject to the recommended planning conditions.

**7. Supporting Documents**

- 7.1 Submitted Planning Application – Planning reference WDC/21CC003
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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**Application No: WDC/21CC003**  
**Campion School, Sydenham Drive, Leamington Spa**  
**Erection of a two storey Sixth Form centre, provision for a new MUGA**  
**and works to Sports Hall**

Regulatory Committee 08 June 2021  
 Scale 1:3500 Drawn by: CS Dept: Communities

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## Appendix B

### Erection of a two storey Sixth Form Centre, re-cladding and re-roofing existing Sports Hall, Provision for a new MUGA and other enabling works.

#### WDC/21CC003

#### Planning Conditions.

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 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the application forms, reports and drawings numbered:
  - Design and Access Statement – Champion School by ADP dated February 2021;
  - ADP-00-GF-DR-A-0902 Rev: S2 P2 - Proposed Site Plan;
  - ADP-00-R1-DR-A-0907 Rev: S2 P1- Proposed Block Plan;
  - ADP-00-GF-DR-A-0908 Rev S2 P1 – Proposed Sixth Form Block Plan;
  - ADP-00-GF-DR-A-1010 – Sixth Form Proposed GA Ground Floor Plan;
  - ADP-00-01-DR-A-1011 Rev S2 P P1 – Sixth Form Proposed GA First Floor Plan;
  - ADP-00-R1-DR-A-1012 Rev S2 P1 – Sixth Form Proposed GA Roof Plan;
  - ADP-00-ZZ-DR-A-1210 Rev S2 P P1 – Sixth Form Proposed GA Elevations Sheet 1 of 2;
  - ADP-00-ZZ-DR-A-1210 Rev S2 P P1 – Sixth Form Proposed GA Elevations Sheet 2 of 2;
  - ADP-00-ZZ-DR-A-1212 Rev: S2 P P1 – Sixth Form Proposed CW Bay Elevation;
  - ADP-00-ZZ-DR-A-0910 Rev: S2 P2 – Proposed Site Sections;
  - ADP-00-ZZ-DR-A-1320 Rev: S2 P P1 – Sixth Form Proposed GA Sections;
  - ADP-04-GF-DR-A-1015 Rev:S2 P2 – Sports Hall Proposed GA Ground Floor Plan Refurb;
  - ADP-04-R1-DR-A-1016 Rev: S2 P1 – Sports Hall Proposed GA Roof Plan Refurb;

- ADP-04-XX-DR-A-1220 Rev: S2 P2 – Sports Hall Proposed Elevations;
- ADP-04-ZZ-DR-A-1221 Rev: S2 P1 – Sports Hall Proposed Sections;
- ADP-XX-XX-DR-0912 Rev S2 P1 – New Proposed MUGA;
- CSP2-BML-XX-XX-DR-C-0102 P01 - Fire Tender Vehicle Swept Path Information
- 20030\_DR-M902 Rev P01 - Fire Hydrant Positions
- Energy Statement Report prepared by Reeves Associates dated Feb 2021
- Air Quality Mitigation Statement: Phase 2, Champion School & Community College – Phase 2, Leamington Spa prepared by RSK, dated 12 May 2021
- Tree Survey and Arboricultural Impact Assessment 8646-D-AIA – Haydens dated 17/02/21
- Biodiversity Impact Assessment – Champion School, prepared by Guma Ltd dated March 2021.

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 ensure a satisfactory standard of development.

3. The details of all external materials and external colour samples to be used for the development shall be submitted within 3 months of the commencement of the approved development and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the details (or any variation) so approved.

**Reason:** To ensure a satisfactory appearance of the completed works.

4. The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and if bats are found to be affected a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the County Planning Authority. Such approved mitigation plan (if required) shall thereafter be implemented in full.

**Reason:** To ensure that protected species are not harmed by the development.

5. No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the County Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in

accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place in those areas without the prior consent in writing of the County Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

**Reason:** To protect trees and other features on site during construction.

6. No development for the Sixth Form building or groundworks for the enabling works within the school grounds hereby permitted shall take place until:
  - a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to, and approved in writing by, the County Planning Authority;
  - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork, and confirmation of the arrangements and timetable for the deposition of the archaeological archive, has been submitted to the County Planning Authority;
  - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to, and approved in writing by, the County Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

**Reason:** To protect and record features of archaeological importance.

7. No development for the MUGA shall take place until either:
  - (i) Details are submitted to and approved in writing by the County Planning Authority demonstrating that the depth of works for the construction of the MUGA do not penetrate the ground below the original ground level; or
  - (ii)
    - a) Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to, and approved in writing by, the County Planning Authority;
    - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken.

A report detailing the results of this fieldwork, and confirmation of the arrangements and timetable for the deposition of the archaeological archive, has been submitted to the planning authority;

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to, and approved in writing by, the County Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

**Reason:** To protect and record features of archaeological importance.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that order with or without modification, no excavation of or intrusion into the ground below the MUGA as constructed shall take place without the prior consent in writing of the County Planning Authority.

**Reason:** To protect and record features of archaeological importance.

9. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The Plan shall include but not be limited to:
- i. details of measures to ensure no mud/debris shall be deposited on the adopted highway;
  - ii. details to demonstrate HGVs can turn/manoeuvre within the area on site;
  - iii. details of construction staff parking

All works of demolition or construction shall be carried out in strict accordance with the Plan (or any variation) so approved.

**Reason:** In the interests of highway safety.

10. The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the County Planning Authority. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**Reason:** To ensure that protected species are not harmed by the development. (In discharging this condition, the County Planning Authority expect to see details concerning pre-commencement checks for bats, breeding birds and appropriate working practices and

safeguards for wildlife that are to be employed whilst works are taking place on site).

11. Within 3 months of the commencement of the development hereby permitted a detailed Landscape and Ecological Management Plan shall be submitted to and approved in writing by the County Planning Authority. The Plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The approved Plan shall thereafter be implemented in full.

**Reason:** To ensure a net biodiversity gain in accordance with the NPPF.

12. The development hereby permitted shall be implemented fully in accordance with the *Soft Landscape Plan - Drawing no. 001244 -ADP-00-ZZ-DR L1900 Rev S2 P4* or any variation submitted to and agreed in writing by the County Planning Authority.

**Reason:** To ensure the satisfactory appearance of the completed development and to ensure a biodiversity net gain.

13. The landscaping scheme approved pursuant to condition 12 of this permission shall be implemented in the first planting season following completion of the development hereby approved and, unless otherwise agreed in writing by the County Planning Authority, should any plants, trees or shrubs 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 and to ensure a biodiversity net gain.

14. Noise arising from any construction works for the development hereby permitted must not exceed 65 dB (LAeq 10hr) at the nearest residential receptor. Noise measurements shall be taken during construction works at boundary locations representative of residential receptors using a minimum Type 1 Sound Level Meter on a daily basis and records kept for inspection by the County Planning Authority and Warwick District Council. Noise equipment used for monitoring shall conform with class 1 requirements, following the specification in BS EN 61672-1, Electroacoustics – Sound level meters – Part 1: Specifications.

**Reason:** To protect the amenities of the occupiers of nearby properties in the area.

15. Within one month of the installation of noise generating plant or equipment required for the development hereby approved, a Noise Verification report shall be submitted to and approved in writing by the County Planning Authority to demonstrate that the noise arising from plant or equipment at these premises, when measured one metre from the façade of any noise sensitive premises, will not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. The plant and equipment shall be operated and maintained fully in accordance with this noise limit.

**Reason:** To protect the amenities of the occupiers of nearby properties in the locality.

16. The development hereby permitted shall be implemented in accordance with the MUGA External Lighting Layout, drawing number 20030-REEVES-00-XX-DR-E-0902 Rev P01 or any variation as approved in writing by the County Planning Authority and lighting shall conform with the approved details at all times.

**Reason:** In the interests of public amenity and to ensure that protected species are not harmed by the development.

17. The Sixth Form building hereby permitted shall not be occupied until road improvements in general accordance with the details of drawing numbered CAM-BML-SO-XX-DR-c-1200 Rev P01 entitled 'S278 Signs and Road Markings' have been implemented to the satisfaction of the County Planning Authority.

**Reason:** In the interests of highway safety.

18. The development hereby permitted shall not be occupied until the revised parking shown on the submitted drawing ADP-00-GF-DR-A-0908 Rev S2 P1 has been constructed.

**Reason:** In the interests of highway safety and in order to ensure adequate provision for car parking to serve the development on the school site.

19. The existing vehicular access road between the school entrance and the central car park area shall be widened so as to provide for the two-way passage of vehicles.
- (i) A Stage 2 Road Safety Audit Report and Designer's response shall be submitted to and approved in writing by the County Planning Authority;
  - (ii) The development for the Sixth Form building hereby permitted shall not be occupied until the approved works have been carried out.

**Reason:** In the interests of highway safety and to prevent vehicles entering the school site from queuing back onto the roundabout.

20. Within 6 months of the first occupation of the approved Sixth Form building a Green Travel Plan to promote sustainable transport choices for people travelling to and from the site shall have been submitted to and approved in writing by the County Planning Authority. The measures (and any variations) so approved shall continue to be implemented at all times. The Plan shall:

- (i) specify targets for the proportion of pupils, employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
- (ii) set out measures designed to achieve those targets together with timescales and arrangements for monitoring, review and continuous improvement;
- (iii) explain and justify the targets and measures by reference to the transport impact assessment;
- (iv) identify a senior manager at the school with overall responsibility for the plan and a scheme for involving staff, pupils and visitors of the school in its implementation and development.

**Reason:** In order to minimise traffic congestion and potential parking issues in and around the school site and to preserve highway safety.

21. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved drainage layout (CAM-BML-XX-XX-DR-C-0600, T02) and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the County Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- include the results of infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the discharge rates as shown in the approved drainage drawing of 2l/s and 2.5l/s for the respective outfalls.

Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments' and the approved Drainage Strategy.

- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 40% climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, and how overland flow routing will reduce the impact of an exceedance event.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.
- Provide a maintenance plan giving details on how the entire surface water systems shall be maintained and managed after completion for the lifetime of the development and the name and contact details of the party responsible.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

Notes

**Highway Authority Informatives:**

1. Condition number 17 requires works to be carried out within the limits of the public highway. The applicant / developer must either enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works or arrange for an equivalent agreement between WCC's Head of Service. The applicant / developer should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should not be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

An application to enter into a Section 278 Highway Works Agreement or equivalent should be made to Environment Design Services, Communities Group, Warwickshire County Council, Shire Hall, Warwick, CV34 4SX.

In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the



requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.

Before commencing any Highway works the applicant / developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less ten days, notice will be required. For works lasting longer than 10 days, three months' notice will be required.

2. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

### **WCC Ecology:**

#### General trench note:

Particular care should be taken when clearing ground prior to development, and if evidence of badger, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badgers, snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species.

#### Generic reptile and amphibian note:

In view of the nearby pond, care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England is contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great

crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010.

**Lead Local Flood Authority Informative Notes:**

1. The LLFA does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
2. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.
3. SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc. rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

**Development Plan Policies Relevant to the Decision.**

Warwick District Adopted Local Plan (2011 – 2020)

**Policy DS5 - Presumption in Favour of Sustainable Development**

**Policy SC0 - Sustainable Communities**

**Policy BE1 - Layout and Design**

**Policy BE3 - Amenity**

**Policy TR1 - Access and Choice**

**Policy TR3 - Parking**

**Policy HS7 - Crime Prevention**

**Policy CC1 - Planning for Climate Change Adaptation**

**Policy CC3 - Buildings Standards and other Sustainability Requirements**

**Policy FW1 - Reducing Flood Risk**

**Policy FW2 - Sustainable Drainage**

**Policy NE3 - Biodiversity**

Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019

## Regulatory Committee – 8 June 2021

### NWB/19CC006 4-classroom extension, High Meadow Primary School, Norton Road, Coleshill, B46 1ES

#### Discharge of condition 13 - Green Travel Plan

##### Recommendation

That the Regulatory Committee authorises the discharge of Condition 13 of planning consent NWB/19CC006 for a Green Travel Plan.

##### Details for discharge of condition

High Meadow School was formerly a single form entry Infant school which was approved by Cabinet from September 2019, to be converted to a Primary School making provision for both infant and junior school aged pupils. The expansion of the school was required to provide school places for pupils within the catchment area, a demand that was required to be met somewhere in the catchment area and for the provision to be made rapidly.

At its meeting on 03 September 2019, Regulatory Committee resolved to approve planning application NWB/19CC006 for the 4-classroom extension to the school to enable the expansion of the existing school buildings to provide adequate accommodation for the Primary School. The Decision Notice was issued on 16 September 2019 subject to planning conditions including condition 13 requiring the submission and approval of a Green Travel Plan no later than the first occupation of the approved classroom block.

##### Planning Condition 13 states:

*Within 3 months of the first occupation of the approved classroom block a Green Travel Plan to promote sustainable transport choices for people travelling to and from the site shall have been submitted to and approved in writing by the County Planning Authority. The measures (and any variations) so approved shall continue to be implemented at all times. The Plan shall:*

- *specify targets for the proportion of pupils, employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;*
- *set out measures designed to achieve those targets together with timescales and arrangements for monitoring, review and continuous improvement;*

- *provide for a review of the provision of car parking spaces and cycle parking spaces on the school site to determine whether additional spaces are required and the provision of additional spaces if recommended by that review;*
- *identify a senior manager at the school with overall responsibility for the plan and a scheme for involving staff, pupils and visitors of the school in its implementation and development.*

**Reason:** *In order to minimise traffic congestion and potential parking issues in and around the school site and to preserve highway safety.*

At that meeting in September 2019 it was resolved that the Green Travel Plan would be brought back to the Regulatory Committee for approval.

### Recent Planning History

The recent planning history on the school site is complex and needs some explanation to set the context for this report.

A temporary classroom was required to accommodate pupils from September 2019 during the construction of the permanent extension. The planning application for that temporary classroom (NWB/19CC007) was submitted in June 2019. The classroom was however installed during the school summer holiday, prior to the application being considered by Regulatory Committee on 06 August 2019. The application was deferred to give time to consider a revised location for the building which was subsequently agreed and granted consent by Regulatory Committee in September 2019.

It proved not to be possible for the temporary classroom to be relocated to the approved position while the school was in use by pupils, as a result a further planning application (NWB/19CC015) was submitted to retain the classroom as installed for a temporary period of time until it could be re-located. That consent was granted on 10 January 2020 with a condition requiring the building to be re-located or removed by 20 April 2020.

The works to re-locate the classroom were scheduled to take place during the Easter holiday in 2020, however, prior to that time the national emergency of the Coronavirus pandemic had taken hold and it was not possible for the work to be undertaken during the first lockdown.

Works to the 4-classroom extension to the school as approved by planning application NWB/19CC006 were subsequently continued during the pandemic. As a result of delays the completion of that extension to the school building was behind the original schedule resulting in the requirement for a second temporary classroom to accommodate the new intake of pupils in September 2020. Planning permission NWB/20CC002 was granted in July 2020 for the installation of a second temporary classroom and for the retention of the existing temporary classroom until September 2022. The consent was subject to condition 5 requiring the submission and written

approval of a Green Travel Plan prior to the first occupation of the second temporary classroom. The wording of condition 5 did not set out the full requirements for the Green Travel Plan, but rather required submission of an updated document as an interim measure to take into account the changing situation at the school.

A Green Travel Plan prepared by Curtins was submitted in August 2020 to discharge condition 5 of NWB/20CC002. Following responses from the Highway Authority and Transport Planning, an amended version of the Green Travel Plan was submitted and considered acceptable to discharge condition 5 in November 2020.

#### Green Travel Plan for Condition 13 of NWB/19CC006

The Green Travel Plan approved in November 2020 was updated to include details of and requirements for the 4-classroom extension to the school and submitted in February 2021 to discharge condition 13 of the main planning application – NWB/19CC006.

Both the Highway Authority and Transport Planning have been consulted on the version of the Green Travel Plan submitted in February and in response to their comments a further amended version was submitted in April 2021 which is considered to be acceptable to discharge condition 13.

While a planning condition would generally require a Green Travel Plan to be submitted to discharge the condition some 6 months after the development had been occupied in order for surveys to be undertaken including the new occupants of the building, in this case planning condition 13 requires the Green Travel Plan to be submitted and approved prior to the occupation of the extension. As a result, the document prepared does not include the specific survey results for the school roll that will be attending when the completed development is occupied. However, the document is considered to adequately address the requirements of the planning condition:

- It specifies the targets for the proportion of pupils, employees and visitors travelling to and from the school by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
- It sets out measures to achieve the targets together with timescales and arrangements for monitoring and review;
- It states that a future car parking and cycle parking survey would be undertaken of the school parking provision when conditions return to normal after the Covid restrictions.
- It identifies the Head Teacher as the designated Travel Plan Coordinator who will liaise with the High Meadow School Working Party.

A School Travel Plan / Green Travel Plan is a document which sets out a package of measures to reduce the number of car trips made to and from school, to promote healthier and more environmentally friendly forms of transport and to improve safety on the school journey. It is a live document that constantly needs updating. Surveys to inform a Green Travel Plan should be done initially every three months in order to see the effectiveness of the measures. Only by having regular surveys can the Travel Plan be considered a robust document.

The amended Green Travel Plan as currently submitted is considered to be adequate to discharge condition 13. It is not however considered to be the final document, but a version of an evolving document to be prepared by the school, that should continue to reduce the number of journeys made by car and improve safety for journeys to school.

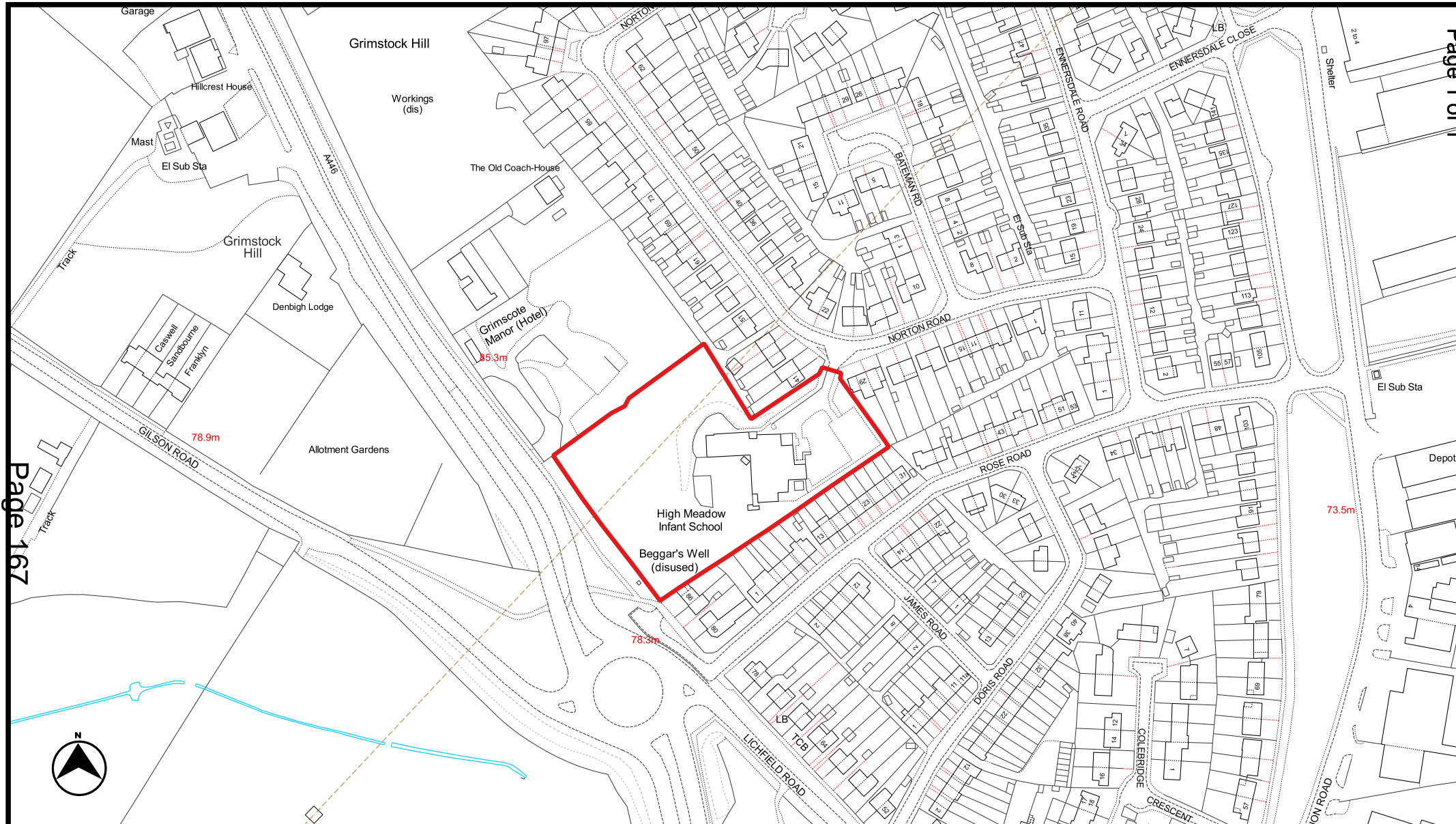
The phrasing of Condition 13 requires that the Green Travel Plan will be implemented at all times giving the assurance that travel surveys will be ongoing, to be carried out on a quarterly basis and for an annual review continuing post-occupation of the new classrooms.

## 7. Background Documents

7.1 Green Travel Plan submitted to discharge condition 13 of NWB/19CC006 – 068668-CUR-00-XX-RP-TP-002-V04 dated 07 April 2021 – Prepared by Curtins.

7.2 Appendix A – Map of site and location.

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**Application No: NWB/19CC006**  
**High Meadow School, Coleshill**  
**Discharge of Condition 13 Green Travel Plan**

Regulatory Committee 08 June 2021  
 Scale 1:2500 Drawn by: SP Dept: Communities

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