

# Regulatory Committee

Date: Tuesday 5 July 2022  
Time: 10.30 am  
Venue: Council Chamber, Shire Hall

## Membership

Councillor Jill Simpson-Vince (Chair)  
Councillor John Cooke (Vice-Chair)  
Councillor Jeff Clarke  
Councillor Judy Falp  
Councillor Sarah Feeney  
Councillor Dave Humphreys  
Councillor Jack Kennaugh  
Councillor Justin Kerridge  
Councillor Christopher Kettle  
Councillor Jan Matecki  
Councillor Chris Mills  
Councillor Adrian Warwick

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

To consider the minutes of the meeting held on 7 June 2022.

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## 2. Delegated Decisions

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

## Planning Applications

### 3. Planning Application WDC/22CC002: Construction of new nursery, children's centre and extension to school at Kingsway Community Primary School, Baker Ave, Leamington Spa, CV31 3HB.

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

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### Disclosures of Pecuniary and Non-Pecuniary Interests

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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.

### COVID-19 Pandemic

Any member or officer of the Council or any person attending this meeting must inform Democratic Services if within a week of the meeting they discover they have COVID-19 or have been in close proximity to anyone found to have COVID-19.

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# Regulatory Committee

Tuesday 7 June 2022

## Minutes

### Attendance

#### Committee Members

Councillor Jill Simpson-Vince (Chair)  
Councillor John Cooke (Vice-Chair)  
Councillor Judy Falp  
Councillor Dave Humphreys  
Councillor Justin Kerridge  
Councillor Christopher Kettle  
Councillor Jan Matecki  
Councillor Chris Mills  
Councillor Mandy Tromans

#### Officers

John Cole, Democratic Services Officer  
Ian Marriott, Delivery Lead – Commercial and Regulatory  
Sally Panayi, Senior Planning Officer  
Matthew Williams, Senior Planning Officer

#### Public

Kashan Aslam, Crown Aggregates

### 1. General

#### (1) Apologies

Apologies were received from Councillor Jeff Clarke, Councillor Mandy Tromans was present as a substitute.

Apologies were also received from Councillor Sarah Feeney and Councillor Adrian Warwick.

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

None.

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

The minutes of the meetings held on 5 April 2022 and 17 May 2022 were approved as an accurate record.

## 2. Delegated Decisions

None.

## 3. Planning Application: NWB/20CM015 - Hartshill Quarry, Nuneaton Road, Nuneaton

Matthew Williams (Senior Planning Officer) provided a summary of the application alongside planning application NWB/20CM016 (agenda item 4). Both sought permission for mineral processing equipment, plant, and infrastructure at Hartshill Quarry, Nuneaton. He advised that NWB/20CM015 was a retrospective application; NWB/20CM016 proposed development of an aggregates washing plant and ancillary machinery. The applicant, Mr Kashan Aslam of Crown Aggregates, was present at the meeting.

Matthew Williams stated that:

- The report provided details of another planning application for residential development proposed at land south of the site. This application was yet to be determined by North Warwickshire Borough Council.
- A third application at Hartshill Quarry, not presented to the Committee at the meeting, sought an amendment to the phasing and working of the overall site to enable reworking of material.
- Hartshill Quarry is a hard rock quarry with extraction by blasting and use of excavators. Mineral extraction has taken place at the site for over a century.
- From the mid-1990s, the Quarry was not in operation. Following its sale in the mid-2010s, operations were re-established.

Matthew Williams advised that statutory consultees had not raised any objections 'in principle' to planning application NWB/20CM015. However, the Environmental Health Officer (EHO) had sought a condition for dust control. The EHO had expressed an interest in receipt of additional data relating to traffic flows and the impact of traffic on air quality monitoring and management. Matthew Williams advised that most traffic related to the existing permitted use of the site; many of the vehicles accessing the site were third-party hauliers which the applicant had no control over. Therefore, it may not be appropriate to introduce a condition for this consideration.

Matthew Williams advised that the Canal and River Trust had considered the proposal and made a request for information relating to the construction and management of the proposed attenuation pond.

Matthew Williams advised that Highways officers had acknowledged the limitations of the site access. However, it was recognised that Hartshill Quarry was an historic site; little could be done to improve the access. Highways officers had acknowledged that it was not proposed to intensify operations on site. There was no objection subject to conditions to ensure that vehicles would be clean and covered.

Matthew Williams advised that no objection had been raised by WCC Ecology. However, conditions specifying provision of a Landscape and Environmental Management Plan (LEMP) and Construction and Environmental Management Plan (CEMP) were requested.

Matthew Williams noted that the WCC Planning Policy response accepted that the proposal was generally in accordance with policy and could be supported. However, observations had been made in respect of production levels at the site. Production output figures had not been provided since the Quarry reopened. As a result, it was not possible to assess whether the application would lead to increased production. Matthew Williams advised that it was regrettable that the applicant had failed to engage with the Policy Team, but this was not a reason to refuse permission.

Matthew Williams provided a summary of representations that had been received. Local residents had not contributed comments. However, a representation had been made by Tarmac Trading, the owner of the land south of the Quarry where residential development was proposed. Tarmac Trading's observations related principally to the third application which sought a variation to the conditions of the Quarry's existing planning permission. It was requested that the Council take account of the proposed residential development when determining the application. Matthew Williams advised that there was no 'in principle' objection to either of applications presented to the Committee at the meeting which could be determined separately from the third application.

Matthew Williams advised that, a day before the meeting, a late representation had been received from Hanson, a company also involved in mineral extraction. Hanson had previously owned the site of Hartshill Quarry as part of Midlands Quarry Products. Hanson asserted that it was the owner of the minerals within the Quarry. It contended that the applicant had not served the correct notice as required by the relevant legislation. Hanson requested that the applications be withdrawn.

Matthew Williams advised the Committee that the applications presented for determination were not concerned with the winning and working of minerals; they were for plant and equipment associated with the processing of minerals. He advised that clarification had been sought from Hanson, requesting plans and additional information. There had not been time to undertake a detailed assessment of Hanson's representation. The Committee was advised that consideration of the planning applications should proceed; however, there was an option to delay issuing of decision notices for a reasonable period, allowing Hanson to expand on the points raised.

Matthew Williams provided an overview of policy considerations, stating that the current planning consent for Hartshill Quarry allowed the site to be in operation until 2042. The plant and equipment that the applicant sought to regularise were consistent with standard arrangements at similar sites elsewhere. In general terms, the site conformed with policy.

Matthew Williams advised that visual impact was minimal, the site was relatively well screened by topography and vegetation. A Landscape and Visual Impact Assessment had been submitted which concluded that the application had negligible adverse visual impact.

In conclusion, Matthew Williams stated that NWB/20CM015 was a retrospective application for recently installed plant, equipment, and infrastructure, some of which was essential for the operation of the site. It was a location which had previously been used for the operation of plant and equipment. Wheel washing equipment limited the impact the site had on the public highway. The washing plant and other facilities added value to the product produced by the Quarry. It was considered to be an application that could be supported.

#### **4. Planning Application: NWB/20CM016 - Hartshill Quarry, Nuneaton Road, Nuneaton**

Matthew Williams (Senior Planning Officer) provided a summary of this application which sought permission for an additional washing plant adjacent to the location of the existing equipment.

Matthew Williams advised that consultee responses were similar to those of the preceding application. There were no 'in principle' objections. Conditions had been specified by the Environmental Health Officer (EHO) in relation to noise and dust. A condition requiring a noise mitigation strategy had been accidentally omitted from the report and should be added if permission were granted. The Canal and River Trust had sought a condition relating to surface water management. Highways recommendations were consistent with the preceding application, acknowledging that there would be no imported material for processing and that there would be no intensification of use of the access. WCC Ecology had sought conditions for ecology monitoring prior to the commencement of work. Planning Policy observations were consistent with the preceding application.

Matthew Williams advised that the previously outlined representation from Tarmac Trading also applied to this application, as did the representation from Hanson. He advised that Policy considerations were consistent with those of the previous application. The proposal was for well-screened, low-level plant which would have negligible visual impact.

In conclusion, Matthew Williams stated that the proposed aggregates washing plant would be located within an operational area of the site. The plant would allow the sustainable use of minerals and enable an improved, higher-value aggregate to be produced. The applicant had advised that it would not increase production or intensify activities on site. It was considered to be an application that could be supported.

#### **Questions**

Members presented questions relating to planning applications NWB/20CM015 and NWB/20CM016.

In response to Councillor Kerridge, Matthew Williams advised that, should permission be granted, a note would be provided directing the landowner and operator of the site to liaise with the Canal and River Trust to determine arrangements for the discharge of water from the site to the nearby canal.

In response to Councillor Kerridge, Matthew Williams advised that general conditions relating to noise had been included; however, the EHO had requested a condition specifying provision of a Noise Mitigation Strategy. Overall, it was not anticipated that the additional washing plant would have an adverse noise impact.

In response to Councillor Falp, Ian Marriott (Delivery Lead – Commercial and Regulatory) provided more information relating to the representation from Hanson. The Company claimed to own mineral rights within the site. It contested that the applicant should have served notices to Hanson prior to submission of the application. This was a technical procedural point; based on the information provided a day before the meeting, it was not believed that evidence had been provided to show that the applicant had acted wrongfully. He stated that, if the Committee was minded to grant permission, issuing of decision notices would be delayed by a few days to provide



Hanson with an opportunity to expand on its claim and provide evidence that might alter the view of the Authority. If it was found that Hanson's claim was valid, it would be necessary for the Committee to consider the applications again following service of required notices.

In response to Councillor Matecki, Ian Marriott advised that there were two categories of minerals at the site: unexcavated mineral in the ground, and minerals in the spoil heap. Hanson's claim related to the right to exploit the minerals in the ground. Therefore, the wash plant could be used to treat only the minerals in the spoil heap and this would not infringe any alleged rights. However, he advised that the provenance of the minerals being processed by the wash plant was probably not relevant to the Committee's deliberations.

In response to Councillor Kettle, Matthew Williams advised that NWB/20CM015 sought retrospective planning permission for plant and equipment, with a proposed attenuation pond. The planning condition requiring additional information prior to work being undertaken related to the pond. Other conditions would be instated with the intention of seeking compliance by the applicant; however, it would be up to the planning authority to ensure that the terms of the permission had been followed faithfully.

Matthew Williams advised that the conditions specifying provision of a Landscape and Environmental Management Plan (LEMP) and Construction and Environmental Management Plan (CEMP) required details to be submitted within a period of three months. The applicant would be obliged to comply with this instruction.

Councillor Kettle highlighted the poor track record of compliance by the operator. He asked if a monitoring condition should be introduced to record any intensification of activities at the site.

Matthew Williams advised that the Planning Policy Team had requested production figures from the applicant to inform a better understanding of aggregates consumption across the region. He advised that submission of production figures to the local authority was not a mandatory requirement for operators. Therefore, it would not be appropriate to include a condition to this effect.

Councillor Cooke requested that the Chair seek a view from the applicant in respect of the retrospective elements of the planning application. He queried whether it was fair for work to have been undertaken without planning consent. He stated that it was not unreasonable for the Council to request data relating to production levels.

In response to the Chair, the applicant, Mr Kashan Aslam, stated that Crown Aggregates had not deliberately ignored the requirement to seek planning permission. A certificate of lawful use was held by the Company, and it was believed that this provided adequate permission to proceed with the installation of plant and equipment. He stated that the Company had acted to seek planning permission as soon as it was advised to do so by the Council. He apologised for the oversight.

Mr Aslam advised that Crown Aggregates intended to supply the production figures requested by the Council. It had been delayed in doing so by the Pandemic and a change to its planning consultant. He stated that this was the only condition that Crown Aggregates had failed to comply with. He highlighted the Company's investment in wheel wash equipment, intended to preserve the condition of the public highway.

Councillor Humphreys commented that the representation from Hanson was not relevant to the Committee's deliberations. The Chair agreed.

### **Debate**

Councillor Matecki stated that he was satisfied with the responses provided and moved that the Committee approve the two applications in line with the clarifications required from Hanson and the resolution to defer issue of the decision notices for a reasonable period. Councillor Kerridge seconded the motion, provisional on submission of a noise mitigation strategy for NWB/20CM016.

In response to Councillor Kettle, Matthew Williams advised that it would not be appropriate to introduce a condition which obliged the applicant to submit data relating to production levels.

Ian Marriott advised that a monitoring condition could not be imposed solely to support the Authority's Local Plan. Also, he asked the Committee to consider what it would do with the monitoring information at that stage. He stated that, if the Committee required data that illuminated the potential for intensification of activities on site, it would need to be requested prior to determination of the planning application.

For NWB/20CM015, Ian Marriott advised that conditions 6 and 7 required that a LEMP and CEMP be submitted, approved, and implemented. In terms of enforceability, he advised that failure to submit a LEMP or CEMP could give rise to a stalemate between the applicant and planning authority. This had proved to be a cause of difficulty for other planning authorities in the past. He advised that a solution could be found by specifying that a LEMP and CEMP be submitted and approved prior to issue of the decision notice. If the Committee was minded to grant approval subject to that requirement, conditions 6 and 7 could be amended so that they specified implementation of the previously approved LEMP and CEMP.

Councillor Cooke stated that there were no valid planning reasons to refuse permission for either application. He indicated support for the proposals that had been made. He emphasised that the Council had made a reasonable request to the operator for information relating to production levels.

Mr Kashan Aslam provided assurance that the figures requested would be provided by Crown Aggregates once arrangements had been made with its planning consultant.

### **Vote**

The Chair proposed the recommendation for **NWB/20CM015** subject to an amendment to conditions 6 and 7.

The Committee voted unanimously in favour of this.

### **Resolved:**

1. That the Regulatory Committee authorises the grant of retrospective planning permission for buildings, structures, plant and equipment on land adjoining, but outside of, the main quarry permission area at Hartshill Quarry, Nuneaton Road, Nuneaton subject to the

conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities

*Subject to*

2. Issuing the decision only after a LEMP and CEMP had been approved and amendment of conditions 6 and 7 requiring the approved LEMP and CEMP to be implemented in full.

The Chair proposed the recommendation for **NWB/20CM016** subject to an additional noise condition.

The Committee voted unanimously in favour of this.

**Resolved:**

1. That the Regulatory Committee authorises the grant of planning permission for the development of an aggregates washing plant and ancillary machinery on land at Hartshill Quarry, Nuneaton Road, Nuneaton subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

*Subject to an additional condition stating that:*

2. The development hereby permitted shall not be commenced until a noise mitigation strategy has been submitted to and agreed in writing by the County Planning Authority. The approved noise mitigation strategy shall be implemented in full for the duration of the development.

**Reason:** In order to safeguard the amenities of residents.

In both cases, the Council would delay issuing the decision notices to allow Hanson reasonable time to expand upon and clarify their late objection to the applications being determined.

## **5. Reports Containing Exempt or Confidential Information**

**Resolved:**

That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraphs 1, 3, 6 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

## **6. Exempt Minutes of the Previous Meeting**

The exempt minutes of the meeting held on 5 April 2022 were approved as an accurate record.

The meeting rose at 11:45.

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Chair

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## Regulatory Committee

5 July 2022

**Construction of a new single storey nursery and children's centre and a single storey extension within the Kingsway Community Primary School, demolition of single storey building currently accommodating the nursery, children's centre and part of the school facilities, Kingsway Community Primary School, Baker Avenue, Leamington Spa, CV31 3HB.**

**WDC/22CC002**

Application No.: WDC/22CC002

Advertised date: 25/03/2022

Applicant: Mr Craig Cusack,  
Warwickshire County Council  
Assistant Director for Enabling Services  
Warwickshire County Council  
Shire Hall Post Room  
Northgate Street  
Warwick  
CV34 4SP

Agent: Mr Clive Breese  
AHR  
Victoria House, First Floor  
Victoria Quay  
Shrewsbury  
SY1 1HH

Registered by: The Strategic Director for Communities on 16 March 2022

Proposal: Construction of a new single storey nursery and children's centre and single storey school extension within the Kingsway Community Primary School site. Demolition of single storey building currently accommodating the nursery, children's centre and part of the schools facilities.

Site & location: Kingsway Community Primary School,  
Baker Avenue, Leamington Spa, Warwickshire, CV31  
3HB. [Grid ref: 431593.264551].

**See plan in Appendix A**

## **Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the construction of a new single storey nursery and Children's Centre and single storey school extension at Kingsway Community Primary School, 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 redevelopment at the Kingsway Community Primary School site. The site is currently occupied by the Primary School buildings, the Children's Centre and Nursery. A number of those buildings are in a poor state of repair. The proposed development would see the demolition of the existing Children's Centre, the Nursery building and the removal of two temporary buildings currently in use by the school.
- 1.2 The Children's Centre and Nursery would be replaced by one single storey building located on an area of the site to the east of the existing buildings.
- 1.3 The proposed Children's Centre/Nursery would have a footprint area of some 35 m by 25 m and be some 4.3 m in height. Plant for the building would be located within the central area of the flat roof, surrounded by a screen approximately 1 m in height to provide visual screening and an enclosed area for maintenance of the plant.
- 1.4 The single storey building would reflect the scale of the existing buildings. The elevations of the Children's Centre/Nursery building are proposed to be clad in 900 mm wide yellow-coloured vertical panels, above a black brick plinth. The aluminium windows, louvres, doors and rainwater goods are proposed to be dark grey in colour. Horizontal grey coloured cladding would screen the roof plant.
- 1.5 The internal layout of the building would be centrally divided with the south-western side occupied by the Nursery and the north-eastern side occupied by the Children's Centre. Each facility would be accessed from the north-western side of the building.
- 1.6 Demolition of the existing buildings to the south of the main primary school buildings would create an area for the proposed single storey

extension to the primary school. The extension would provide a main hall for the school in addition to a kitchen, plant room and store.

- 1.7 The footprint area of the school extension would be some 24 m in depth and 17 m in width and would range in height from 5 m adjacent to the existing building, stepping up to some 6.5 m to provide the adequate internal dimensions for the school hall.
- 1.8 The hall extension would be clad in 900 mm wide blue coloured vertical panels set above a charcoal brick plinth. Aluminium doors, windows and rainwater goods would be dark grey in colour. Horizontal grey coloured ribbed cladding would screen the rooftop plant and form the enclosure to the plant room on the north-east elevation and the corridor on the south-west elevation.
- 1.9 Access to the school site for both pedestrians and vehicles is from Baker Avenue. There are two existing pedestrian entrances into the school site from Baker Avenue which would both be retained. The northern entrance would be dedicated for access to the school, while the southern access would become the dedicated entrance for the Nursery and Children's Centre.
- 1.10 The proposed development as initially submitted made no alterations to the school's boundary treatment. The front of the school site facing onto The Approach and Baker Avenue is currently secured by a blue painted 1 m high timber palisade fence. The eastern boundary of the school adjacent to the rear gardens of houses in Hawthorn Road is a mixture of timber and wiremesh fencing as erected by the occupiers of those houses. In reviewing the security of the school, amended plans were submitted proposing the erection of 2 m high close boarded fencing along the entire boundary with the adjacent rear gardens of Hawthorn Road. A 2 m weld mesh fence is proposed to secure the boundary on The Approach/Baker Avenue.
- 1.11 The school site currently has 36 car parking spaces which are in use by the three occupiers on the site. Demolition of the existing nursery building allows the expansion of the existing car park to provide a total of 50 car spaces, including 4 disabled spaces. The extended parking areas would provide the school with 25 car spaces (including 2 disabled and 3 electric vehicle spaces) and 25 car spaces for the Nursery and Community Centre (including 2 disabled spaces and 2 electric vehicle spaces). In addition, the altered layout for the parking allows for the provision of a delivery and drop-off bay adjacent to the new school hall.
- 1.12 Kingsway Primary School has 30 staff. The school capacity is for 210 pupils, but the school roll is currently lower with 173 pupils. There is no increase in the school capacity as a result of the extension to the school building to provide the proposed hall and kitchen.

- 1.13 The Kingsway Children and Family Centre operates with a team of 12 health team staff, 6 midwives plus 4 or 5 other staff including early years workers and admin staff. Not all of those staff numbers are present at the same time with staff numbers varying during the day and across the week. No increase in staff numbers is proposed.
- 1.14 The Nursery on the school site is operated by Surestart, providing for children between 0 – 5 years between 08:00 to 18:00 Monday to Friday. There are 21 staff in total, with 15 staff on site each day. The Nursery has capacity for 65 children. No increase in staff or pupil numbers is proposed.
- 1.15 Creation of a wildlife corridor planted with native mixed scrub to enhance the existing boundary treatment is proposed in addition to an area of semi-improved neutral grassland to achieve a net increase in biodiversity across the site.

## **2. Consultation**

- 2.1 **Warwick District Council – Planning:** No comments received.
- 2.2 **Warwick District Council - Environmental Protection:** No objection subject to provision of additional information relating to the specification of the Electric Vehicle charging points; a condition requiring submission of a Noise Verification report to demonstrate satisfactory noise levels from externally mounted plant and equipment; confirmation of the installation of a 2 m close boarded fence to mitigate noise from the informal nursery play area affecting residential gardens to the rear on Hawthorne Road, a condition relating to contamination and a requirement for a Construction Management Plan to consider cumulative impacts of construction works from neighbouring schemes currently taking place.
- 2.3 **Royal Leamington Spa Town Council:** Support. The Town Council supports this application which delivers significant improvements for these school facilities. The Town Council would like to see the access to the site made easy for pedestrians and cyclists bearing in mind the parking difficulties which already exist in Baker Avenue and would also like confirmation of any new boundary treatments to be used on the boundary with properties in Baker Avenue.

*It was initially confirmed to the Town Council that the Design and Access Statement described the fencing facing onto Baker Avenue to match the existing in type, colour and height. A further consultation email was sent to the Town Council to advise them of the amendment to the fencing to 2 m weld mesh on Baker Avenue and 2 m timber fencing adjacent to the rear gardens of Hawthorn Road. The Town Council confirmed in response that their Planning Committee had no further comments to make on this application.*



- 2.4 **Cllr Jonathan Chilvers:** No comments received by 24 June 2022.
- 2.5 **WCC Equality and Diversity:** No comments received.
- 2.6 **WCC Flood Risk and Water Management:** No objection subject to a pre-commencement condition requiring the submission and approval of a detailed surface water drainage scheme and approval of a maintenance plan.
- 2.7 **Warwickshire Fire and Rescue Service:** No objection subject to the criteria required by Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the Fire Service being met. (See notes below).
- 2.8 **WCC Highways:** No objection subject to conditions.  
An initial objection was overcome on the submission of additional and revised information.

First response:

*It is noted from the Transport Statement (TS) that whilst the proposal is not generating an increase in pupil numbers at either the school or nursery, the increased ground floor area has the potential to enable an increase in pupil numbers to be accommodated at a future date. The TS has considered this and the Highway Authority accept that the additional movements that would be associated with this would be generally minor. With the reconfiguration of the current car parking arrangement, separate provision is being proposed for the respective uses (school and children's centre/nursery). Whilst the school provision is in general remaining as previous (which currently exceeds the required provision), additional provision is being made in respect of the children's centre and nursery where there was previously a shortfall.*

*Whilst the general principal of the proposals are accepted, the following additional/revised information is requested;*

- 1. Drawing no KGP-AHR-ZZ-ZZ-DR-A-20-001 P9-S0 annotates both the existing gates at the point of the vehicular access into the school site and a vehicle barrier (annotated as a blue line) along the internal school access road. The proximity of the proposed barrier to the visitor parking is extremely close and could result in difficulties as drivers attempt to access the initial parking bay. The reason as to why both of these are required is unclear with further clarification being requested. The Highway Authority would recommend that the location of the existing gates are reviewed to ensure that the largest vehicle requiring regular access to the site can pull clear of the highway and the gates should be set back at a point to enable this to take place.*

2. *With the 'looped' nature of the access road to the school and the need to reduce reversing manoeuvres, the echelon parking needs to be re-orientated to address this together with the circulation within the site being made clear by road markings.*
3. *Drawing no.2202 Rev- indicates that the tracking of a vehicle associated with the (children's centre/nursery) disabled space located closest to the footpath will extend across this path as it manoeuvres. This could potentially result in conflict with a pedestrian as the vehicle manoeuvres from this particular space. The tracking should be further considered to address this concern together with tracking being provided of the opposing parking bay to ensure that this does not create a similar concern.*
4. *An internal waiting area for parents/carers should be provided to address the concerns of parents/carers obstructing the footways outside of the school whilst they wait for the end of the school day and collection of children particularly given the narrow nature of both the footways and carriageway in this location. This would provide a safe area for parents/carers to gather as they wait for the children to leave the school/nursery away from the carriageway (Baker Avenue). The provision of a shelter would address concerns during inclement weather.*
5. *The cycle /scooter parking is located at the school which is quite a distance from the children's centre if it stays in current place. Consideration should be given to a covered buggy/scooter park at the children's centre relocate the singular cycle store to be 'equidistant' between both the school and nursery.*
6. *Paragraph 4.4.1 of the Transport Statement states that data from the school indicated that only 1% of children travel there by bicycle. As a primary school, the numbers of pupils arriving independently by bicycle is likely to be low due to their age however children arriving by bicycle/scooter may be accompanied by adults, and the opportunity to increase sustainable travel modes to the school should be encouraged. Para 4.4.2 states that this will be investigated as part of the monitoring of the TP however by making more safe and suitable provision on site may assist in increasing these travel patterns rather than waiting for the numbers to increase without.*
7. *To address issues with respect parents parking within the yellow school 'zig-zag' area, a traffic regulation order (TRO) would be recommended to support the OFFICIAL enforcement of no parking within this area during the start and end of the school day. Due to the constraints of Baker Avenue, there is no alternative location for a temporary construction access to the site other than from Queensway. Whilst the general location of the temporary access would appear to be acceptable the following comments are raised with respect to the details submitted;*

8. *Whilst tracking the largest vehicle requiring regular access will indicate the general geometry required, Queensway is heavily trafficked for large parts of the day and as annotated, concerns are raised with this access as proposed. Larger radius turnouts will be required with the width of the access also needing to be wider than indicated to better address the turning manoeuvres, with traffic management also being necessary when larger vehicles are manoeuvring (banskman).*
9. *If the temporary construction access and associated compound and parking are to be considered as part of this application, then details of the anticipated vehicular movements are requested together with details of the temporary site set up.*

Final response:

The proposal is to provide a standalone building for the nursery and children's centre services which are currently located within the existing school buildings, with minor improvements to the existing school building. The proposal does not include any increase in pupil numbers however, as there is a minor increase in the overall ground floor area (GFA) of the proposed nursery/children's centre, the potential additional traffic movements have been considered as part of the proposals. Details pertaining to access (vehicular, pedestrian and cycle/scooter) and parking have been considered as part of the proposals with waiting areas internal to the school for parents being included together with additional cycle storage. A School Travel Plan to promote safer, active and sustainable travel to/from the school will be requested as a planning condition. Due to the constraints of Baker Avenue, access for construction vehicles associated with the development areas during construction are to be via a temporary construction access to be installed from the Queensway which will be closed and permanently reinstated upon completion of all development works.

No objection subject to conditions:

1. The development hereby permitted shall not become operational until it has been laid out and constructed in general accordance with drawing no. KGP-AHR-ZZ-ZZ-SR—20-001 Rev P15-S2
2. Prior to commencement, the Construction Management Plan, which must contain a Construction Phasing Plan, details of the temporary access to the site, HGV Routing Plan, siting of compound, measures to segregate construction traffic from the school operations, proposed traffic management and details of measures to ensure that mud and debris will not be deposited on the highway as a result of construction traffic, shall first be submitted and approved by the planning authority.
3. No development shall commence until the temporary construction access has been constructed in general accordance with details approved as part of the Construction Management Plan. On completion

of all development, the temporary access shall be permanently closed and highway features reinstated.

4. Within 3 months of first occupation of the development a Green Travel Plan shall be submitted to and approved by the planning authority.

- 2.9 **WCC Archaeology:** No archaeological comment to make on this application.
- 2.10 **WCC Ecology:** The initial response from Ecology stated a requirement for a Biodiversity Impact Assessment (BIA) to be completed prior to determination and for the eDNA result to be included in the Appendix of the submitted Ecological Assessment. Planning conditions are recommended for a Construction and Environmental Management Plan (CEMP), a Landscape and Ecological Management Plan (LEMP) and for a condition relating to lighting and bats.

Both pre-determination ecology concerns are confirmed to have been addressed. The BIA submitted shows a net gain of 0.07. It appears that this gain can be achieved within the site. A Habitat Management Plan and Landscape drawing secured by the LEMP condition would be required to show details of how the gain would be achieved. It would need to be clearly demonstrated how the wildlife corridor would be demarcated from the amenity grassland for management purposes.

- 2.11 **WCC Planning Policy:** No comments received.
- 2.12 Two site notices were displayed on lampposts on Baker Ave on 23 March 2022 and the 49 nearest residential properties individually notified by post.
- 2.13 A press notice was posted in the local press, the Leamington Courier on 25 March 2022

### **3. Representations**

- 3.1 Two objections received from local residents making the following points:

#### Car parking

1. The drives in The Approach and surrounding streets are blocked by inconsiderate parents delivering and collecting their children 3 times a day, every day during term. Complaints to the school fall on deaf ears as they say it is not on their grounds so not their problem.
2. My drive has been completely blocked for whole days on some occasions.

3. If there is no provision for a car park on the school grounds, then I object to the extension due to problems caused by illegal persistent blocking of residents drives by attendees of the school.
4. We received threats from certain individuals if we complain.
5. People parking on the yellow zig zag lines by the school which is on a bend
6. People parking opposite each other so some vehicles can't get through, coach drivers and other have to go to the school to find the drivers of the cars in order to get through this happens quite often.
7. Parking over residences drives due to the lack of parking in the area.

#### Impact on the wildlife area

1. This was left as a wildlife area, which has now been taken over by wildlife. There are foxes there, which will be having cubs soon.

#### Pollution/Dust/Noise

1. Objection to cutting down trees which help to take fumes away from cars exhausts.
  2. The disruption noise and dust that the residences will have to put up with, and as we live very close to the school we will have to put up with a lot of dirt and dust on our property.
- 3.2 A second consultation letter was sent in June 2022 to neighbouring houses in Hawthorn Road, Baker Avenue and The Approach to inform of the amended fencing detail. One email was received in response from a neighbour in Hawthorn Road who stated general support for the proposed development but sought clarification on a number of issues including questioning the need for the security fencing along Hawthorn Road and a question as to whether the close boarded fencing would incorporate any access for wildlife and any provision of bird boxes or insect hotels. *(The applicant advised that the fencing specification would include measures such as hedgehog holes to allow wildlife to pass around and through the site).*
- 3.3 Consultation was undertaken in June with the neighbouring St Patrick's School on receipt of an amended site plan which proposed an increase in the extent of the wildlife corridors. The additional area proposed would be located on the line of the boundary between the two school playing fields. In response the Governors and Head Teacher at St Patrick's School stated that the right of access that their school has via a side gate onto their playing field via the Kingsway playing field should be retained as previously agreed in June 2021 with the transfer of land. In addition, they raised concern over the maintenance of the access. *(The applicant confirmed that the right of access would be retained and maintained as part of the maintenance of the Kingsway School grounds).*

## **4. Previous Planning History**

- 4.1 Kingsway Community Primary School was built during the early 1950s as Cashmore Junior and Infant School with the adjacent St Patrick's Roman Catholic School built a short time afterwards. In 1996 Kingsway Primary School opened on the site using the buildings of the former Cashmore School and operated until 2020 when it became an Academy, Kingsway Community Primary School.
- 4.2 The main school building was extended in 1975. There have been several temporary permissions granted on the school site. In 2006 a temporary building was approved to serve as a Children's Centre, located to the east of the main school building. The most recent temporary building on the site was approved in 2016 to provide two classrooms and a teaching room for the Primary School subject to a planning condition requiring removal of that building by August 2026.

## **5. Assessment and Observations**

### **Site and Surroundings**

- 5.1 Kingsway Community Primary School is located in Leamington Spa approximately 1.3 km to the south of the town centre. To the north, and west of the school are predominantly residential areas. The southern boundary of the school site is marked by Queensway (B4087). The area beyond Queensway, to the south and west of the school site is predominantly characterised by commercial premises. Planning consent was granted in 2020 for the demolition of an industrial unit on Queensway and replacement by a new building to provide a care home and 15 assisted living apartments. This approved development is currently under construction immediately to the south of Kingsway School site and close to the proposed construction access for the current application.
- 5.2 The school buildings and the existing buildings that serve the nursery and the children's centre are positioned in the northern section of the school site. The school's playing field, located to the south of the buildings is roughly triangular in shape.
- 5.3 To the southeast of the Kingsway School site is St Patrick's Catholic Primary School with its playing field located to the south. There is no fencing between the two school's playing fields. There is a right of access from St Patrick's School via a gate in their western boundary fence, onto the Kingsway playing field to gain access to their own playing field. The two playing fields are used and maintained independently of each other. St Patrick's School is served by a single access from Cashmore Avenue to the east.

- 5.4 Entrance to Kingsway School is from Baker Avenue/The Approach with a gated vehicular access and an adjacent pedestrian footpath at the northern boundary. A second pedestrian gate is located on Baker Avenue to the south of the main access.
- 5.5 The school boundary fronting Baker Avenue/The Approach is marked by a 1 m high blue painted timber palisade fence. The school's southern boundary with Queensway is marked by a green metal palisade security fence over 2 m in height. The boundary hedgerow and trees along the Queensway verge screen views from the public highway into the school grounds and playing field. The eastern boundary of the school site adjacent to the rear gardens of houses in Hawthorn Road is marked by a variety of timber fencing and wire mesh fencing. Several of the fences on this boundary are in a poor state of repair or unsecure.
- 5.6 The area around the school is signposted as a School Zone where the maximum speed limit is reduced to 20 mph when lights on the road signs are flashing during school drop-off and pick-up times. Baker Avenue/The Approach turns round a 90 degree bend along the school's eastern/front boundary. This stretch of road is marked with yellow zig-zags on both sides of the road in the vicinity of the school entrance to deter vehicle parking.

## **Planning Policy**

### National Planning Policy

- 5.7 **Paragraph 11** of the National Planning Policy Framework (NPPF) July 2021 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 92** 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 95** 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 110** 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;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and
- d) 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 111** 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 113** 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 130** states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and create places that are safe, inclusive and accessible and which promote health and well-being.
- 5.17 **Paragraph 166** 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 174** 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 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.

#### **D1 – Schools:**

*Vehicle Parking Spaces - 2 car spaces / classroom for staff and visitors + facilities for picking up and setting down children as determined by Travel Plan.*

*Cycle Parking Spaces - 1 space per 5 staff + 1 space per 3 students. Appropriate space for the storage of push propelled scooters.*

#### **D1 – Creche, Day nursery, day centre:**

*Vehicle Parking Spaces - 1 car space / FTE staff + space for dropping off and collecting children as appropriate.*

*Cycle Parking Spaces - 1 space / 5 staff + 1 per 200 m2*

## **Planning Policy Review**

- 5.35 The proposed erection of the replacement Children's Centre and Nursery and the erection of a new school hall are supported by policies contained in the NPPF and the development plan, particularly with regard to promoting healthy and safe communities. The development plan also includes policy constraints which seek to ensure a satisfactory form of development in order to protect the natural and built environment and the amenity of neighbouring occupiers from any adverse impacts resulting from the development. Subject to such effects and impacts being appropriately mitigated and managed, the proposed development would accord with the policies of the NPPF and the development plan. The potential issues are discussed below.

## **Amenity and Environmental Issues**

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

- 5.36 The proposed development seeks to demolish existing blue painted single storey buildings. The proposed replacement buildings would also be single storey. The Children's Centre/Nursery building would be clad in yellow coloured panelling, while the school hall would be blue coloured to reflect elements of the main school buildings which are to be retained.
- 5.37 The school hall extension would be screened from view by residential properties to the north of the school by the main school buildings. Views into the school site from Baker Avenue and The Approach would see the proposed hall building in the context of the school buildings. There is considered to be no adverse visual impact from the school hall extension and no impact on residential amenity as a result of overlooking or overshadowing by the proposed building.
- 5.38 The proposed Children's Centre/Nursery building would be in a more prominent location in the street scene and positioned closer to neighbouring houses than the existing buildings proposed for demolition. The building would be set back from the school boundary on The Approach/Baker Avenue by 14 m. There would be a distance of some 32 m between the north-eastern elevation of the Nursery building and the front elevation of the nearest residential property opposite the school at 27 The Approach. There would be a distance of 42 m at the closest point between the rear elevation of houses in Hawthorn Road and the rear elevation/south-east facing elevation of the nursery building.
- 5.39 The north-eastern side of the proposed building would be occupied by the Children's Centre. Window openings along that north-eastern

elevation would face towards the boundary with The Approach/Baker Ave. The south-western half of the proposed building would be occupied by the Nursery. Windows and doors in the south-eastern elevation would serve both the Children's Centre and the Nursery. Given the position of the proposed building on the site, in relation to the neighbouring residential dwellings on Hawthorn Road and The Approach/Baker Avenue, the window and door openings of the development do not align with those of the neighbouring properties ensuring that there is no direct line of sight and no overlooking of those properties by the proposed building. In addition, given the separation distances, there is no over-shadowing of neighbouring properties.

- 5.40 National planning policy guidance and policies of the development plan require that developments will function well, are visually attractive and sympathetic to the surrounding built environment. The proposed modern modular building would replace the existing buildings in use by the nursery and Children's Centre which are in a very poor condition. It is considered that the scale and design of the replacement building, and the proposed materials are acceptable in the both the street scene and in the setting of the school grounds when viewed against the backdrop of the main school buildings.

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

- 5.41 As for many if not most schools in Warwickshire and across the country, the residential roads surrounding the Kingsway Primary School and the adjacent St Patrick's Catholic Primary School experience traffic congestion and on street parking issues during peak times at the beginning and end of the school day. Objections have been received from 2 local residents, citing problems of inconsiderate car parking on pavements, across driveways and close to road junctions associated with pupil pick up and drop off.
- 5.42 The school is within a 'School Zone' area. There are 'Keep Clear' road markings outside the school entrance on Baker Avenue/The Approach. However, the restrictions do not deter all motorists from parking inappropriately on the zigzag lines or on the nearby road junctions. The parking issues experienced around the school are however for a limited amount of time each day.
- 5.43 The proposed development is not generating an increase in pupil numbers at the school or at the nursery, although the increased floor space has the potential to enable an increase in pupil numbers in the future. In the response from the Highway Authority, it is accepted that additional vehicle movements associated with any future increase in pupil numbers would be generally minor and no objection raised in principle to the development.
- 5.44 The Warwick District Council parking standard for schools within Class D1 requires 2 car spaces per classroom. The school's current car

parking provision of 25 spaces exceeds the required standard. The main school buildings of Kingsway Primary provide 8 classrooms. In addition, a temporary double classroom approved in 2016 provided the additional classroom spaces required to accommodate a bulge of pupils on the school roll. The total number of pupils has reduced since 2016, and at the time of the Officer's site visit the two temporary classrooms were not in use. The temporary building is proposed to be removed from the site as part of the redevelopment, therefore reducing the number of classrooms on the school site.

- 5.45 The car parking requirement for D1 uses including the Children's Centre and Nursery requires 1 car space per full time equivalent (FTE) staff member.
- 5.46 The Transport Assessment submitted to support the application indicates that the Nursery has 21 staff in total, with a total of 15 on site at any one time. The Children's Centre is staffed by 12 Health Team staff, 6 midwives and 4 or 5 other staff, however, not all the staff are full time or would be present or working at the same time.
- 5.47 The proposed development includes an increase in parking provision across the site by some 14 additional car spaces to a total of 50 spaces. While the school car parking provision is currently in excess of the Warwick District Council's car parking standard for schools, the provision for the nursery and Children's Centre has not previously met the standard. The proposed additional car parking spaces would meet this previous shortfall in provision.
- 5.48 The parking areas would be divided, with 25 available for the school in one area and 25 available for the Children's Centre/Nursery in the other area. Four of the total spaces would be for disabled parking. Five car spaces across the site would be charging points for electric vehicles. The response from the Highway Authority raised no objection to the number of car spaces provided but did comment on the detail of the layout. Following discussion with the applicant, amended details were submitted to indicate the installation of a timber knee rail between the car park area and the north-south footpath serving the Children's Centre to avoid potential conflict between pedestrians and manoeuvring cars.
- 5.49 The school currently provides 32 sheltered cycle parking spaces. The 22 existing covered cycle spaces located in the brick structure on the northern boundary of the school site are to be retained. The second covered cycle shelter is to be positioned adjacent to the pre-school play area to the south-west of the Nursery and Children's Centre building to provide cycle parking for that facility.
- 5.50 Comments have been made that at the end of the school day, parents and carers collecting pupils gather on the narrow pavement outside the school entrance. The Highway Authority recommended the provision of



a safe waiting area within the school grounds. In response the applicant advised that a covered waiting area is available within the school grounds in the existing brick structure close to the school office entrance which would be retained for that purpose.

- 5.51 While a Green Travel Plan was submitted with the planning application, a planning condition is recommended for an updated Green Travel Plan to be submitted to cover the three users across the Kingsway site to be submitted and approved within 3 months of the first occupation of the facilities (condition 14).

#### Access for Construction

- 5.52 The application details that access for the construction phase of the proposed development would be via a temporary access from Queensway in order to avoid the construction traffic using Baker Avenue. A section of the existing boundary hedgerow would be required to be removed to provide the access for HGV and the appropriate visibility splay for the 30mph roadway.
- 5.53 The Highway Authority raised no objection to the proposed construction access subject to a condition for the details of the temporary access and the location of the construction compound be submitted for approval prior to commencement of works as part of a Construction Management Plan (condition 4).

#### **Fire Safety**

- 5.54 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 subject to the requirements of the Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the Fire Service being met and the attachment of a note on any decision notice issued, setting out the requirements of that approved document.

#### **Renewable Energy and Sustainable Design**

- 5.55 The sustainability statement provided for the proposed development, details that the nursery and children's centre together with the extension to the school have been designed using passive design principles to reduce heat gains and losses and using low energy solutions and energy available from renewable sources to heat and ventilate the buildings. The solutions proposed on the school extension differ from those proposed on the nursery and children's centre as the extension would connect into and renew the existing heating systems.
- 5.56 A fabric first approach is proposed, using efficient fabric U-values and air permeability which are an improvement from the building regulation

limitations. In addition, solar glazing has been utilised on south, east and west facing glazing and rooflights to limit solar gains.

- 5.57 The nursery and children's centre proposes an air source heat pump (ASHP) for heating the building. Ventilation would be natural ventilation heat recycling (NVHR) units in addition to openable windows. Internal occupied spaces and WCs would be served by mechanical ventilation which would include heat recovery and low fan power. Lighting for the building would be efficient LED including optimised lighting controls strategy and using natural daylight when available. Two electric vehicle charging spaces are proposed to serve the nursery and children's centre.
- 5.58 Heating and hot water for the extension to the school would be via new high efficiency gas-fired boilers. The proposed school hall would be naturally ventilated via high and low-level openable windows. Lighting for the extension would be efficient LED lighting to include optimised lighting controls strategy and using natural daylight when available. Three electric vehicle charging points are proposed to serve the school.
- 5.59 It is considered that the submitted sustainability details demonstrate that the requirements of Policy CC3 of the Warwick District Adopted Local Plan would be adequately met and the proposed development would accord with the requirements of the development plan.

### **Flood Risk and Drainage**

- 5.60 The school site is indicated on the Environment Agency (EA) Flood Map to be located entirely within Flood Zone 1 with a low probability of flooding. The Flood Risk Assessment (FRA) submitted to support the application details that all sources of flood risk were reviewed, including from fluvial and tidal, pluvial, groundwater, sewers and flooding from artificial sources and concluded that the proposed development would have an acceptable flood risk from all sources and would not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.
- 5.61 The initial response from the Warwickshire County Council Flood Risk Management Team, as Lead Local Flood Authority (LLFA) raised an objection on the grounds that insufficient details had been submitted. On the provision of additional information the final response from LLFA raises no objection subject to a recommendation for a pre-commencement condition for the submission and approval of a surface water drainage scheme.

### **Noise**

- 5.62 The proposed development at the school would be a source of noise, as a result of the operation of new plant and equipment for example air

handling unit or air source heat pump; as a result of noise generated by occupants of the proposed buildings and grounds and also during the construction period.

- 5.63 The Environmental Noise Assessment Report submitted with the application details that advice was sought from Warwick District Council Environmental Health Officers (EHO) prior to submission of the planning application with regard to the generation of noise from the proposed development. EHO advised that externally mounted ancillary plant, equipment and servicing should be selected and acoustically treated in accordance with a scheme designed to achieve a free-field rating level ( $L_{A,Tf}$ ) not exceeding the typical background ( $L_{A90}$ ) level at the nearest residential noise sensitive receptor location. Fixed plant and equipment should also be selected and designed to ensure the noise they generate would not cause the internal noise level criteria of the new development be exceeded.
- 5.64 In their formal consultation response, Warwick District Council EHO raised no objection to the proposed development but recommended a planning condition for the submission and approval of a Noise Verification Report within one month of the installation of noise generating plant or equipment (condition 11).
- 5.65 Other sources of noise from the proposed development would include that generated from the use of the informal nursery play area that would be positioned close to the rear of houses in Hawthorn Road. The erection of a 2 m close boarded fence to provide a sound barrier to mitigate noise from the nursery play area is recommended by Warwick District Council EHO (condition 13).
- 5.66 The activities associated with the earthworks and construction phase of the proposed development have the potential to generate noise, vibration and dust, impacting the surrounding area. The EHO recommends a planning condition for a Construction Management Plan (CMP) which should include consideration of the cumulative impacts of construction works from neighbouring schemes currently taking place (condition 4)

### **Ecology**

- 5.67 While there are no sites with European or National statutory designation within 2 km of the application site, there are three Local Nature Reserves (LNR) within 2 km. Welches Meadow LNR is 1.2 km to the north-east, Leam Valley LNR is 1.3 km to the north-east and Whitnash Brook LNR is 1.7 km to the east of the site. In addition, there are a number of Local Wildlife Sites and Ecosites within a 2km radius. All sites are over 360 m from the application site and would not be impacted by the proposed development.

- 5.68 The application site comprises areas of amenity grassland, introduced shrubs and trees, hedgerows, semi-improved grassland, a pond, hardstand areas and buildings.
- 5.69 There are trees planted close to the school entrance and within the school car park area. In addition, there are a number of trees planted along the northern boundary of the school site, and scattered trees growing within the school's wildlife area.
- 5.70 A pond is located within the wildlife area of the school grounds. The area is fenced off from the wildlife area for security and has timber platforms for pond dipping school activities,
- 5.71 The Preliminary Ecological Appraisal submitted to support the planning application details the surveys undertaken to determine the presence of protected species within the site. Bat, Great Crested Newt (GCN), reptile bird, badger and other species surveys were undertaken prior to submission of the application. The report concludes that trees and buildings have low to negligible suitability to support roosting bats and that there are presently no roosting bats on site. While the school pond appears to be suitable for GCN, DNA testing found no evidence of their presence, probably as a result of the isolated location of the pond, surrounded by roads and fragmented from other ponds. No evidence of other protected species was found including badger or reptiles despite suitable habitat, therefore the impact of the proposed development on protected species is considered to be negligible.
- 5.72 There is suitable habitat for nesting birds and the site has resident foxes as detailed in the Ecological Appraisal and from observations by residents living nearby who expressed concern for the impact of the development. The applicant has advised that resident foxes and cubs would be relocated to another habitat area if they were present at the time of construction.
- 5.73 The Ecological Appraisal recommends the retention of the southern section of the wildlife area, while the concept Planting Plan indicates two strips of land, each 8 metres in width along both the western and eastern edge of the school playing field to be planted with native species to compensate for the loss of habitat on site and provide a net gain in biodiversity across the school site. The proposed planting would include holly, hornbeam, acer, viburnum and dogrose along the western boundary with Queensway and the eastern boundary adjacent to St Patricks School. The school's playing field is triangular in shape with a dimension of approximately 130 m along the northern edge closest to the school buildings, 135 m along the western boundary and 125 m along the eastern boundary. The size and shape of the playing field allows for the provision of a single football pitch or a grass running track. While the proposed planting would be positioned along the edge of the existing grass playing field, the planting is not considered to restrict the use of the field as a sports pitch as sufficient area would

remain to layout either a football pitch or track. The area of the school grounds proposed for the siting of the nursery and Children's Centre was in recent years the school's wildlife area. The area would not be suitable for the siting of a playing field.

- 5.74 In relation to external lighting the Ecological Appraisal recommends that any specified lighting in the proximity of trees and scattered trees along the site boundary should be downward directed with a tightly controlled distribution to limit unwanted lightspill, in order to limit the impact of light on biodiversity within the site, particularly bats and flying invertebrates. A pre-commencement condition is recommended by the County Ecologist requiring the approval of lighting to minimise the impact of lighting on emerging and foraging bats (condition 9).
- 5.75 The County Ecologist initial response stated a requirement for the submission of a Biodiversity Impact Assessment (BIA) prior to determination of the application to ensure a net gain in biodiversity as a result of the proposed development. Planning conditions are recommended for a Construction and Environmental Management Plan (CEMP) (condition 6) and a Landscape and Ecological Management Plan (LEMP) (condition 8).
- 5.76 In the final response from the County Ecologist in relation to the submitted BIA and to a revised site plan indicating the extension of the wildlife corridor along the red line application boundary positioned between the Kingsway and St Patrick School playing fields, it is agreed that the 0.07 gain for biodiversity would be achievable. The discharge of the planning condition for the LEMP is recommended to require submission and approval of a Habitat Management Plan and Landscape Drawing.

### **Heritage**

- 5.77 There are no listed buildings within close proximity to the school site, the nearest being Grade II dwellings in Charlotte Street over 300 m to the east. The application site is not within or adjacent to a Conservation Area, the nearest being Leamington Spa Conservation Area 230 m to the east. Neither the Conservation Area, nor the Listed buildings are seen in the same context as the application site. The County Archaeologist advised that there are no comments to make on the proposed development. There is considered to be no impact on heritage assets as a result of the proposed development.

## **6. Conclusions**

- 6.1 While the single storey replacement building for the Nursery and Children's Centre is in a more prominent location in the street scene than the existing building, the location, scale and design of the building is considered to be acceptable in the context of the school site. The

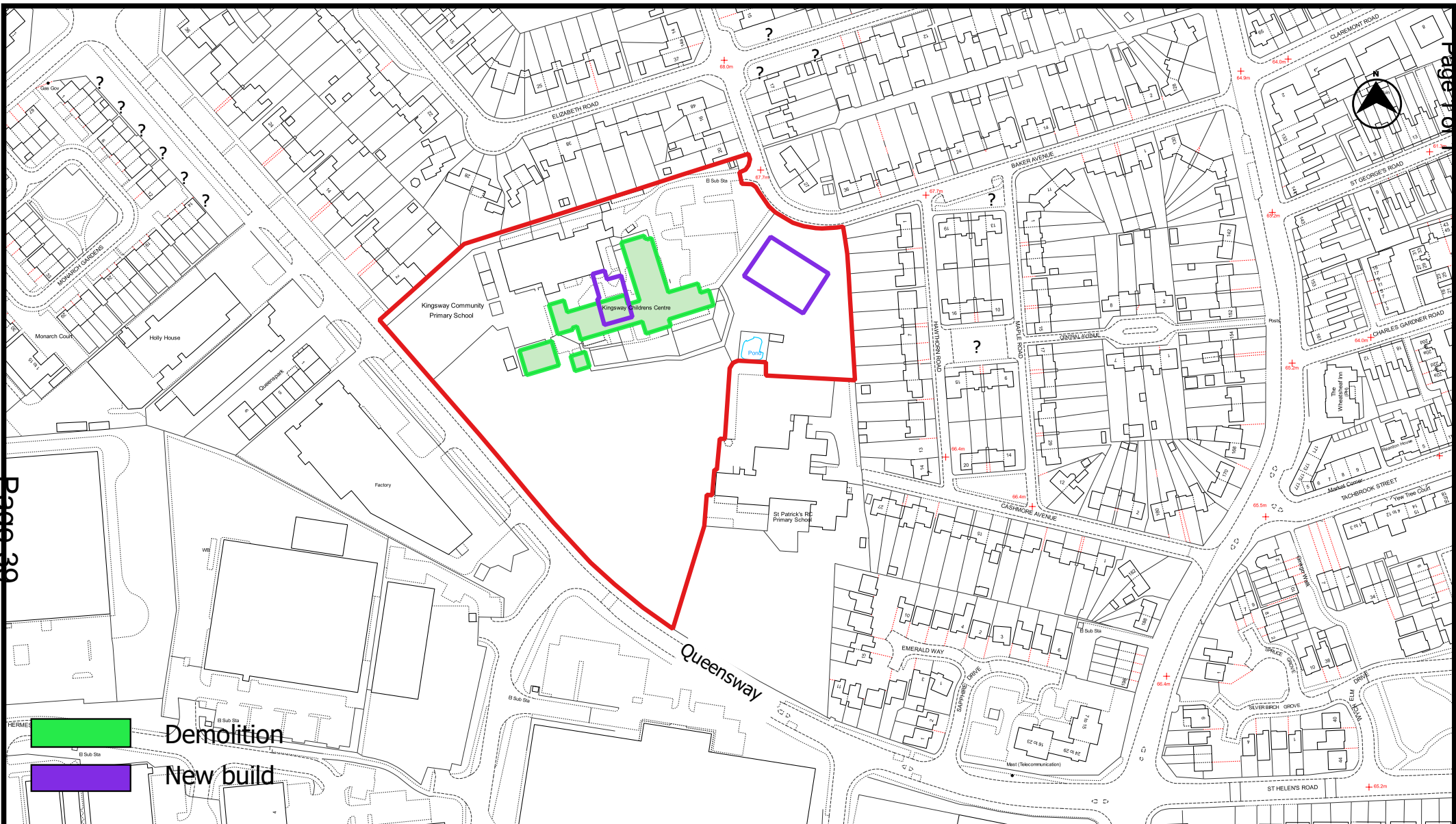
building would not have an adverse impact on visual or residential amenity and is considered to accord with the NPPF and policies BE1 and BE3 of the Local Plan.

- 6.2 The extension to the main school building to provide the school hall would be seen against the backdrop of the existing school buildings and would not have a detrimental impact on local amenity of the area. The development is considered to accord with policies BE1 and BE3 of the Local Plan.
- 6.3 The Highway Authority stated no objection to the proposed development subject to conditions requiring a Construction Management Plan to include details of the temporary construction access and construction compound area. The proposed car parking provision meets Warwick District Council parking standard.
- 6.4 A Biodiversity net gain is indicated in the submitted BIA in accordance with the requirements of the NPPF and Policy NE3 of the Local Plan and would be secured by condition.
- 6.5 The development is considered to be in accordance with the requirements of the NPPF and local plan policies and is recommended for approval subject to the recommended planning conditions.

## 7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference WDC/22CC002
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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**Application No: WDC/22CC002**  
**Kingsway Primary School, Baker Ave, Leamington Spa**  
**Description/Title of application**

Regulatory Committee 05 July 2022  
 Scale 1:2500 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

**Construction of a new single storey nursery and children's centre and a single storey extension within the Kingsway Community Primary School, demolition of single storey building currently accommodating the nursery, children's centre and part of the school facilities, Kingsway Community Primary School, Baker Ave, Leamington Spa, CV31 3HB.  
WDC/22CC002**

### 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, Design and Access statement, Arboricultural Survey and Impact Assessment, Ridge Ground Condition Assessment (5015098-RDG-XX-ST-DOC-C-01-GCA dated 09.06.21, Ecological Assessment Final-Rev02 dated June 2022, Flood Risk Assessment & Outline Drainage Strategy dated 07.06.2022, Environmental Noise Assessment Report P3001812(REP)U001 dated May 2021, Ridge Transport Statement dated 08.03.2022, Ridge Kingsway Community Primary School Travel Plan dated March 2022, and drawings numbered:
  - KGP-AHR-ZZ-ZZ-DR-A-20-001-S2-P17 Proposed Site Plan
  - KGP-AHR-ZZ-ZZ-DR-A-20-002-S0-P3 Site Location Plan
  - KGP-AHR-ZZ-ZZ-DR-A-20-004-S0-P1 Demolition Plan
  - KGP-AHR-ZZ-ZZ-DR-L-90-002-S0-P4 Tree Protection and Removals Plan
  - KGP-AHR-ZZ-ZZ-DR-L-90-003-S2-P3 Fencing Plan
  - KGP-AHR-ZZ-ZZ-DR-L-90-004-S2-P4 Access and Security Strategy Plan
  - KGP-AHR-ZZ-ZZ-DR-L-90-005-S2-P2 Hard Landscape
  - KGP-AHR-ZZ-ZZ-DR-L-90-007-S0-P4 Concept Planting Plan
  - 20220610\_KCPS\_BIA\_v19.1.xls Biodiversity Impact Assessment
  - KGP-AHR-EX-ZZ-DR-A-20-101-S0-P5 Hall Elevations

- KGP-AHR-EX-ZZ-DR-A-20-001-S0-P6 Floor Plans Hall Extension
- KGP-AHR-NU-ZZ-DR-A-20-101-S0-P8 Nursery Elevations
- KGP-AHR-NU-ZZ-DR-A-20-102-S2-P3 Section Nursery & Children's Centre
- KGP-AHR-NU-00-DR-A-20-001-S0-P9 Ground Floor and Roof Plans – Nursery and Children's Centre
- KGP-AHR-ZZ-ZZ-DR-A-20-008-S0-P1 Proposed Site Sections

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 works of demolition or construction shall not commence until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. All development shall take place in accordance with the approved Construction Management Plan unless agreed in writing with the County Planning Authority.

**Reason:** In the interest of highway safety and to protect the amenities of the locality. (In discharging this condition, the notes numbered 1 and 2 below set out the details required to be included in the Construction Management Plan)

5. The development hereby permitted shall not commence until the temporary construction access has been constructed in general accordance with details approved as part of the Construction Management Plan. On completion of all development the temporary access shall be permanently closed and highway features reinstated.

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

6. The development hereby permitted, including site clearance, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the County Planning Authority. In discharging this condition, the County Planning Authority expects to see details concerning pre-commencement checks and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. 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.

7. The development hereby permitted shall not become operational until it has been laid out and constructed in general accordance with drawing number KGP-AHR-ZZ-ZZ-DR-20-001-S2-P17 or any amendment agreed in writing by the County Planning Authority.

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

8. The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the County Planning Authority. The Plan shall include a landscape drawing including details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The Plan shall also include a Habitat Management Plan with details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

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

9. The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the County Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

**Reason:** In accordance with NPPF, ODPM Circular 06/2005 (In discharging this condition the County Planning Authority expects lighting to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats – see note 8 below.)

10. The development hereby permitted shall not commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and the approved Flood Risk Assessment (reference P3001812, revision P02, dated 07.06.22), has 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.

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

numbered 4 below set out the details required to discharge this condition).

11. 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 externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a freefield rating level (LArTr) not exceeding the typical background (LA90) level at the nearest residential noise sensitive receptor location.

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

12. The landscaping drawing approved pursuant to condition 8 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.

13. A 2 m close boarded fence shall be erected between the eastern boundary of the school and the rear gardens of houses in Hawthorn Road.

**Reason:** To mitigate noise from the informal play area affecting residential gardens to the rear of dwellings on Hawthorn Road.

14. Within 3 months of the first occupation of the approved development a Green Travel Plan shall be submitted to and approved in writing by the County Planning Authority.

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

15. No occupation and subsequent use of the development shall take place until a detailed, site specific surface water drainage structure maintenance plan is provided to the County Planning Authority.

**Reason:** To ensure the future maintenance of the sustainable drainage structures. (The notes numbered 6 below set out the details required to discharge this condition).

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

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

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 TR2 - Traffic Generation  
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  
Policy NE5 - Protection of Natural Resources  
Policy HE4 - Archaeology

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

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2021.

## **Notes**

### **Requirements for Construction Management Plan (Condition 5):**

**1. The consultation response from Warwick District Council Environmental Health Officer set out the details required to be included within the construction management plan. The details shall include but not be restricted to:**

- (i) any temporary measures required to manage traffic during construction,
- (ii) plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction,
- (iii) dust management and suppression measures,
- (iv) odour management and suppression measures,
- (v) demolition or clearance works,
- (vi) wheel washing,
- (vii) Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2; Concrete crusher if required or alternative procedure;

- (viii) delivery times,
- (ix) site lighting,
- (x) Access and protection arrangements around the site for pedestrians, cyclists and other road users,
- (xi) restrictions on burning and details of all temporary contractors buildings,
- (xii) plant and storage of materials associated with the development process.'
- (xiii) External safety and information signing notices,
- (xiv) Complaints procedures, including complaints response procedures and dedicated points of contact,
- (xv) Membership of the considerate contractors scheme,
- (xvi) Best practicable means shall be employed at all times to control noise and dust on the site including:
  - (a) Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
  - (b) Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

**2. The consultation response from Warwickshire County Council as Highway Authority set out the details required for inclusion within the construction management plan:**

- Construction Phasing Plan
- Details of the temporary access to the site,
- HGV routing plan
- Siting of compound,
- Measures to segregate construction traffic from the school operations,
- Details of proposed traffic management,
- Details of measures to ensure mud and debris will not be deposited on the highway by construction traffic.

*It will be necessary to ensure that all requirements are met to discharge condition 5. Please note that there is some overlap in the requirements from Environmental Health and Highways listed above.*

**3. Highway Authority additional notes:**

- a. Following the discharge of Condition numbers 5 (Construction Management Plan) & x (Temporary Construction Access), the associated works are required to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.

This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.

The Area Team may be contacted by telephone: (01926) 412515 to request the necessary application form (Form A – VAC). 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. Application 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.

**4. The consultation response from the Lead Local Flood Authority set out the details required for inclusion in the detailed surface water drainage scheme. The scheme to be shall:**

- (i). Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the betterment runoff rate of 10l/s for the site in line with the approved Flood Risk Assessment (reference P3001812, revision P02, dated 07.06.22).
- (ii). As the drainage scheme proposes to connect into the existing Severn Trent Water sewer, further information should be provided regarding the right to connect. The LLFA note the provision of a developer enquiry dated 01 February 2022. Developer enquiries are valid for 6 months from the date of issue and therefore, at the discharge of condition stage progression to providing a S106 confirmation should be provided.
- (iii). Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.
- (iv). Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- (v). Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include: a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and

justification of such criteria where relevant. b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events. c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period. d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

- (vi). The above point regarding calculations and plans should also include an updated storage requirement, calculated through different software, which does not produce variables of great significance such as the used software, Quick Storage Estimate. It is noted a storage estimate of 175m<sup>3</sup> has been taken from the Quick Storage Estimate provided of 123-183m<sup>3</sup>. A change of storage requirement must be reflected within the scheme where necessary and consequently reflected within updated plans and calculations. Updated plans and calculations should correspondingly support and display the dimensions and volumes of all features which are currently absent from site plans, including underground attenuation tanks. This is to ensure the scheme proposed can be successfully implemented without risk due to the presence of groundwater which has been noted throughout the site at differing levels.
- (vii). Provide plans such as external levels plans, supporting the exceedance and overland flow routeing provided to date. Such overland flow routing should: a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk. b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels. This has also been detailed in the approved Flood Risk Assessment (reference P3001812, revision P02, dated 07.06.22, page 15). c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.
- (viii). Provide details on any remedial actions to be taken as a result of the CCTV survey conducted (CCTV and Drainage Survey 0321-RPL-0364) such as where there is cross-sectional loss of pipes due to encrustation.

## **5. Informatives for the next stage of design**

As outlined within the notes above regarding the condition for the detailed surface water drainage scheme, the strategy should be treated as a minimum at this stage of the design. Further consideration should be given during the next stage of the design to incorporate additional, localised source control SuDS such as green roofs, rain-gardens and tree pits as part of a 'SuDS management train' approach to provide



water quality, amenity and bio-diversity benefits and increase the resilience within the design.

At the 'discharge of condition' stage proposals for surface water drainage should be approaching a level of detail suitable for tender or construction. Documentation should show the drainage scheme including SuDS features, specific details (e.g. standard details or cross sections) and demonstrate the performance and of the system through calculations and exceedance management respectively. Such scheme should be in line with the original planning application/permission and where significant changes are made, justification should be provided.

## **6. Details required to discharge condition 15:**

The surface water drainage structure maintenance plan should:

- (i). Provide the name of the party responsible, including contact name, address, email address and phone number
- (ii). Include plans showing the locations of features requiring maintenance and how these should be accessed.
- (iii). Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
- (iv). Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

## **7. Fire Service:**

Warwickshire Fire and Rescue Authority requires the development to comply with the requirements of Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the Fire Service:

- Minimum width of the access road is 3.7 metres along the entire length
- Minimum width of any gateways is 3.1 metres
- Minimum height clearance is 3.7 metres
- Minimum carrying capacity is 12.5 tonnes
- A fire appliance to gain access to within 45 metres of all points within the footprint of each building or in accordance with table 15.1 of ADB, Volume 2.
- Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m.
- Dead-end access routes longer than 20m require turning facilities
- Turning circles should be a minimum of 16.8m between kerbs or 19.2m between walls.

Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. regarding this can be found at;

[www.warwickshire.gov.uk/fireguidancecommercialdomesticplanning](http://www.warwickshire.gov.uk/fireguidancecommercialdomesticplanning)

Where compliance cannot be met, please provide details of alternative measures you intend to put in place.

Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18; Access for Emergency Vehicles.

For Consideration: Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises.

Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, are maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.

#### **8. Informative note for Condition 9 (Lighting)**

In discharging Condition 9 the County Planning Authority expects lighting to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats.

This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.