

Portfolio Holder Decisions/Leader Decisions

Date: Monday 18 March 2024

Time: 12.00 pm

Membership

Councillor Isobel Seccombe OBE

Councillor Margaret Bell

Councillor Peter Butlin

Councillor Andy Crump

Items on the agenda: -

- | | |
|--|------------------|
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Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

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

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

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

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

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

Public Speaking

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

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.

Portfolio Holder Decision

Developer Funded S278 A425 Banbury Road Myton Road Highway Scheme

Portfolio Holder	Portfolio Holder for Adult Social Care & Health, Portfolio Holder for Finance and Property
Date of decision	18 March 2024
	Signed

1. Decision taken

That the Portfolio Holder for Finance and Property gives approval to the addition of the following s278 fully developer-funded highway improvement schemes to the Capital Programme for 2023/24:

A425 Banbury Road/Myton Road Junction Mitigation Scheme - of approximate value £1.5m.

2. Reasons for decisions

- 2.1 On 16th May 2023 Council reconfirmed the delegated power, as set out in the Constitution, to the Leader, or body nominated by them, to approve the addition to the capital programme of projects costing less than £2 million, which are fully funded from external grants, developer contributions or from revenue.
- 2.2 Under Part 2(4) of the Constitution, the power is delegated onwards to the Portfolio Holder for Finance and Property.

3. Background information

- 3.1 A joint planning application was submitted to Warwick District Council by Taylor Wimpey Midlands and Bloor Homes Midlands in respect of land at Asps Farm, Warwick. Planning consent was granted on appeal on 14 January 2016 (ref W/14/0300) and APP/T3725/A/14/2221613) for a large residential development including the erection of up to 900 dwellings, a primary school, a local centre and a Park and Ride facility for up to 500 spaces with vehicular access from Europa Way and Banbury Road.
- 3.2 Subsequent permission was granted for variation of conditions (ref W/20/1642) on

25 February 2021 which stipulates that the developers are required to enter into a Section 278 agreement with Warwickshire County Council for works to be carried out in the limits of the public highway to implement the Banbury Road/Myton Road Junction Mitigation Scheme.

- 3.3 The section 278 works will introduce a signalised junction to replace the existing roundabout at the junction between Banbury Road and Myton Road. The localised carriageway will be widened to introduce a dual lane exit onto Banbury Road south. Banbury Road and Myton Road will remain as two-lane entries into the signalised junction. Bridge End to be changed to entry only with a raised table. A general plan of the s278 works is included in this report.
- 3.4 The principle of the works has been agreed with the Council's signals and development control teams prior to the section 278 agreement being prepared.

4. Financial Implications

- 4.1 As the new highway assets which are being created through these schemes will come on to the Council's balance sheet once complete, the costs incurred by the Council need to be treated as capital expenditure.
- 4.2 Section 278 schemes are fully funded by developer contributions which are ring-fenced for the scheme described above. There are no alternative uses for the contributions and the addition of these schemes will not affect the overall level of available capital resources.
- 4.3 The respective Developers have already committed to funding the technical review work by accepting the Council's fee estimates. The Council's fees for technical review are always collected in advance of the section 278 agreement being completed.
- 4.4 Procurement and subsequent award of construction contracts will only take place once the section 278 agreement has been completed, which will provide 100% of the funding. The section 278 agreement will also require the Developer to provide a bond or cash security of at least 150% of the costs of the works to mitigate any financial risk to the Council. The commencement of the works is dependent on the completion of the technical review, procurement, and contractor mobilisation processes. Any slippage or increase in costs due to changes in the scope of the works will be reported in the normal quarterly monitoring process.

5. Environmental Implications

- 5.1 The environmental impacts of developer-funded highway schemes are considered through the planning approval process.
- 5.2 The contractors on the Council's Framework Contract for the Provision of Engineering and Construction Works have all demonstrated that they hold a certificate of compliance with BS EN ISO 140001 (or equivalent) or have otherwise

satisfactorily demonstrated their policies and arrangements for the management of construction-related environmental issues.

Report Author	Chris Harris, Paula Jobson chrisharris@warwickshire.gov.uk, paulajobson@warwickshire.gov.uk,
Director	
Executive Director	Executive Director for Communities, Mark Ryder markryder@warwickshire.gov.uk
Portfolio Holder	Portfolio Holder for Finance and Property, Councillor Peter Butlin peterbutlin@warwickshire.gov.uk

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

Planning consent letter from Warwick District Council. Application Reference: W/20/1642
TAYLOR WIMPEY / BLOOR HOMES General arrangement plan 332210634

Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board – Mark Ryder

Legal – Lucy Adams & Sioned Harper

Finance – Caroline Jones

Equality – n/a

Democratic Services – Helen Barnsley, Amy Bridgewater-Carnall

Councillors – Warwick, Singh Birdi, Boad, Feeney and W Roberts

Local Member: Councillor Parminder Singh Birdi – Warwick South

Councillor John Holland – Warwick West

Councillor Jan Matecki - Budbrooke & Bishop's Tachbrook

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WARWICK DISTRICT COUNCIL
Notice of Decision of
District Planning Authority

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
THE TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015

Mr K Fenwick
Pegasus Group
39 Bennetts Hill
Birmingham
B2 5SN

Variation of Condition : GRANTED

Application Reference: W/20/1642
lucy.hammond@warwickdc.gov.uk

Notice is hereby given that Variation of Condition is GRANTED for:

Variation of conditions 1, 2, 5, 9, 10 and 18 and removal of conditions 19 and 21 of planning permission W/14/0300 (Outline planning application with all matters reserved except access for the erection of up to 900 dwellings, a primary school, a local centre and a Park and Ride facility for up to 500 spaces together with associated infrastructure, landscaping and open space).

The variation of conditions 1+2 is in recognition of the submission of Reserved Matters already approved in pursuance of the outline permission. Conditions 5 (phasing plan) and 9 (design code) would become compliance conditions since these matters have subsequently been discharged in pursuance of the outline permission. The variation of condition 10 would allow for a temporary construction access, if required, from the approved access route and secure it through the Construction Method Statement and the variation of condition 18 seeks to alter the triggers for the delivery of highway works to allow a phased delivery of the supporting highway infrastructure.

at Asps Farm, Banbury Road, Bishops Tachbrook, Leamington Spa, CV34 6SS

for BSL II LLP in accordance with the application submitted on 13/10/20.

Subject to the following condition(s):

- 1 Details of appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') relating to each phase of development shall be submitted to and approved in writing by the local planning authority before any development begins in respect of that phase. Development shall be carried out in accordance with the approved details.

The reserved matters for the advanced planting phase and sub-phase 1a for 65 dwellings shall be carried out in accordance with the details approved by planning permission references W/18/2336 and

W/19/0229 respectively or in accordance with details approved under this condition.

REASON: To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

2 Following the approval of the first reserved matters application which took place within three years from the date of the original permission, all outstanding reserved matters applications shall be submitted to the local planning authority for approval no later than ten years from the date of commencement of the development.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the approval of the first application for reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

4 Insofar as access is concerned, the development hereby permitted shall be carried out in accordance with the following plans: Europa Way Access Peter Brett Associates plan 28353/015/003 Rev A; and Banbury Road Access Peter Brett Associates plan 28353/015/004 Rev B. **REASON:** In the interests of highway safety, in accordance with Policy TR1 of the Warwick District Local Plan.

5 The development shall be undertaken in accordance with the phasing plan submitted in accordance with condition no. 5 imposed on planning permission reference W/14/0300 and approved on 19th December 2018 and in the following documents:

- Plan SK10 – Residential and Open Space Phasing (10/8/18) and letter dated 14th August 2018
- Email dated 19th December 2018 (which confirms that that the advanced planting stage would be completed before the occupation of the 100th dwelling)

or in accordance with any updated phasing plan which is subsequently submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

REASON: To ensure the satisfactory phasing of the development.

6 The development hereby permitted shall be carried out substantially in accordance with the details described on the following plans:

Site Location Plan EDP 1871/125
Illustrative Masterplan EDP 1871/140a
Parameters Plan: Land Use EDP 1871/116c
Parameters Plan: Maximum Building Heights EDP 1871/117b
Parameters Plan Advanced Planting EDP/1871/143

REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

7 An area of land measuring no less than 0.5 hectare shall be reserved for a local centre. This area of land should broadly be in the location identified on drawing No EDP 1871/116C. Any reserved matters proposal for development on this land must provide a mix of A1 and A2 and A3 and A4 and D1 floorspace, and a police post and associated off-street servicing and parking facilities, all of which shall be delivered in accordance with the phasing plan. **REASON :** To ensure that supporting facilities are provided as part of this residential development, in the interests of creating a sustainable development, in accordance with the NPPF.

8 Prior to the commencement of development in any phase, details of the mix of type and size of market dwellings to be provided in that phase, informed by the most up to date version of the Council's "*Development Management Policy Guidance: Mix of Market Housing on New Development Sites*" shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.

9 All reserved matters applications shall be informed by the Site Wide Design Code "The Asps Warwickshire Design Code" dated 18th December 2018, submitted in accordance with condition no. 9 imposed on planning permission reference W/14/0300 and approved on 20th December 2019 or with any revisions to that Design Code which shall first have been submitted to and approved in writing by the Local Planning Authority. **REASON:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

10 No phase of development shall commence until a Construction Method Statement for that phase has been submitted to and approved in writing by the local planning authority. The approved Construction Method Statement shall thereafter be adhered to throughout the construction period for that phase. The Construction Method Statement shall include, but is not limited to, the following matters:

- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate;
- wheel washing facilities and other measures to ensure that any

vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;

- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from construction works; and
- the positioning and alignment (both vertical and horizontal) of a temporary construction access road, the details of which shall be agreed in consultation with the Highways Authority.

REASON: In the interests of highway safety and the free flow of traffic, minimising pollution and to protect the amenities of the occupiers of nearby properties, and the visual amenity of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

11

No phase of development shall commence until a Construction and Environmental Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The approved Construction and Environmental Management Plan shall thereafter be adhered to throughout the construction period for that phase. The Construction and Environmental Management Plan shall address, but is not limited to, the following matters:

- pre-commencement checks for protected and notable species, with subsequent mitigation as deemed appropriate; and
- appropriate working practices and safeguards for other wildlife (dependent on further survey work) that are to be employed whilst works are taking place on site.

REASON: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan.

12

No phase of development shall commence until a detailed Landscape, Arboriculture and Ecological Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The Plan shall include details of maintenance of all new planting. The plan shall also include details of habitat management, such as for pond, wildflower grasslands, and habitat for protected species. Development shall be carried out in accordance with the approved Plan. **REASON:** To protect, enhance and/or restore habitat biodiversity in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.

13

No phase of development shall commence, nor shall any equipment machinery or materials for the purpose of the development hereby permitted be brought onto any phase, until all existing trees and hedges to be retained within that phase have been protected by fencing in line with *BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations*, pursuant to a scheme that shall previously have been submitted to and approved in

writing by the local planning authority.

Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved protection measures shall not be removed other than in accordance with a timetable that shall previously have been submitted to and approved in writing by the local planning authority.

REASON: To protect trees and other features on site during construction in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

14 No phase of development shall take place under any reserved matters consent until a scheme for that phase showing how either:

a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources;

or

b) a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the local planning authority.

No dwelling within that phase shall be occupied until all the works within the scheme that relate to that dwelling have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications.

REASON: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

15 No phase of the development shall commence unless and until a programme of archaeological works has been secured in accordance with a written scheme of investigation which has previously been submitted to and approved in writing by the local planning authority in respect of that phase. Development shall be carried out in accordance with the approved scheme. The details to be submitted shall include provision to be made for publication and dissemination of the analysis and recording, and provision to be made for archive deposition of the analysis and records of the site investigation. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

16 No phase of development shall commence until the following information has been submitted and approved by the local planning authority in respect of that phase: -

(1) (a) A site investigation has been designed for the site using the

information obtained from the desk-top study as identified at Chapter 10 of the Environmental Statement and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to human health;
- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
- an appropriate gas risk assessment to be undertaken; refinement of the conceptual model; and
- the development of a method statement detailing the remediation requirements.

(b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

(2) Development of the site shall accord with the approved method statement.

(3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

(4) Upon completion of the remediation detailed in the method statement, a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

17 No phase of development hereby permitted shall commence until details of surface water drainage works for that phase have been submitted to and approved in writing by the local planning authority,

demonstrating means of disposing of surface water and associated SUDS facilities from the development, that surface water runoff would not exceed runoff from the undeveloped site and would not increase the risk of flooding off-site, in accordance with the Flood Risk Assessment dated November 2013 ref: 28353/019 and The Asps Hydraulic Modelling Report prepared by Peter Brett Associated Ref. 28353. The scheme to be submitted, which shall be based on an assessment of the hydrological and hydrogeological context of the site, shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation in relation to each phase of the development; and,
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme shall be installed in strict accordance with the approved details and timetable. It shall be retained thereafter and shall be managed and maintained in strict accordance with the approved details.

REASON: To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029.

18

a) No dwellings shall be occupied until the access to the site from Banbury Road has been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-015-004 Rev B, which secures its subsequent adoption as publicly maintainable highway, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.

b) No more than 200 dwellings shall be occupied until a Site access is provided to Europa Way. No more than 400 dwellings shall then be occupied until the Europa Way Corridor Potential Mitigation Scheme has been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-5501-005, which secures its subsequent adoption as publicly maintainable highway, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.

c) No more than 200 dwellings shall be occupied until the Banbury Road/Myton Road Junction Mitigation Scheme has been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-5501-002 which

secures its subsequent adoption as publicly maintainable highways, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.

d) No more than 200 dwellings shall be occupied until the Banbury Road/Gallows Hill Junction Mitigation Scheme and no more than 400 dwellings shall be occupied until the Greys Mallory Roundabout (including section of Warwick bypass) have been constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawings 28353-5501-003 and 28353-85501-004, which secures their subsequent adoption as publicly maintainable highways, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.

e) No more than 100 of the dwellings hereby permitted shall be occupied until the Europa Way/Gallows Hill/Heathcote Lane/Harbury Lane roundabout scheme is constructed in accordance with a Highways Agreement with the Highways Authority in general accordance with Drawing 28353-5501-001 which secures its subsequent adoption as publicly maintainable highways, or an alternative arrangement is agreed with the Highways Authority to secure the necessary mitigation.

REASON: In the interests of highway safety, in accordance with Policy TR1 of the Warwick District Local Plan.

19 Each phase of development hereby permitted shall be carried out in strict accordance with details of a scheme for the provision of onsite footpaths which link with the wider public rights of way network, that shall previously have been submitted to and approved in writing by the local planning authority in respect of that phase. **REASON:** In the interests of highway safety and sustainable travel, in accordance with Policy TR1 of the Warwick District Local Plan.

20 No phase of development shall commence until a detailed lighting scheme for public areas in that phase, including roads and footways, has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** In the interests of highway safety, in accordance with Policy TR1 of the Warwick District Local Plan.

21 No phase of development shall commence until a scheme for that phase, detailing arrangements to protect future residents of the development hereby permitted from traffic noise, in accordance with the mitigation measures set out in Chapter 14 of the Environmental Statement, has been submitted to and approved in writing by the local planning authority. No dwelling within a phase shall be occupied until the commensurate noise mitigation measures have been implemented in accordance with the approved details, which measures shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of noise from within and outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

22 Noise arising from any plant or equipment installed at any of the commercial units hereby permitted (i.e. any unit falling within Use Classes A1, A2, A3, A4 or D1), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect residents of the development from the adverse effects of noise in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

23 None of the commercial units hereby permitted shall be used as a restaurant; cafe or drinking establishment, i.e. for purposes falling within the former Use Class A3 and use Class A4 unless and until:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;

(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The odour mitigation measures installed and shall be retained thereafter and shall be operated and maintained in accordance with manufacturer's instructions.

REASON: To protect residents of the development from the adverse effects of odour in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

24 No phase of the development shall commence until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes in that phase, has been submitted to and approved in writing by the local planning authority. That phase of development shall not then be occupied until the scheme has been implemented in accordance with the approved details. **REASON:** In the interests of fire safety.

The Council positively encourages potential applicants and their representatives to take up the pre-application services offered by the Council. In reaching this decision the Council has sought, via the offer of the provision of pre-application advice, to work proactively with the applicant(s) and their representatives in order to foster the delivery of sustainable development, in accordance with the requirements of the National Planning Policy Framework.

Dated: 25/02/2021

Development Manager
(Authorised Officer of the Council)



Date Dispatched: 25/02/2021

Any pre-commencement conditions listed on this decision notice must be discharged **before works commence on site**. Failure to do this may mean implementation of planning permission is unlawful.

IT IS IMPORTANT THAT YOU READ THE ATTACHED ADVICE TO APPLICANTS.



DEVELOPMENT SERVICES
DEVELOPMENT MANAGEMENT SECTION

Advice Notes to Applicants following grant of permission

These notes clarify the further requirements you may need to comply with before a permission is implemented and explain any relevant appeal procedures. Please read these notes carefully.

1. **Community Infrastructure Levy (CIL)**

Applicants are reminded of their responsibility to ensure that they check whether the development hereby permitted is CIL liable and if so comply with the procedure for completing and submitting the relevant forms as set out on the Council's website.

If you have any queries, contact Warwick District Council's CIL Officer via CILAdmin@warwickdc.gov.uk or 01926 456066.

2. **Discharge of Conditions**

It is necessary to comply with all conditions on the Notice of Decision. Failure to do so may result in formal action being taken against you by the Council. If you wish to discuss the conditions, please contact the Case Officer who dealt with the application. If you don't have the contact details to hand, the relevant name and direct line telephone number can be found by using the planning application search facility provided on our website www.warwickdc.gov.uk.

- Where the request relates to a permission for development which falls within category 6 or 7(a) of Part 2 to Schedule 1, £34 for each request.
- Where the request relates to a permission for development which falls within any other category of that Schedule, £116 for each request.

Any fee paid under this regulation shall be refunded if the local planning authority fails to give the written confirmation requested within a period of twelve weeks from the date on which the authority received the request.

3. **Variations to Approved Plans**

This decision relates only to development in complete accordance with the plans hereby approved and any conditions imposed. Should you wish to make any variation to these plans for any reason (including the need to comply with Building Regulations) you should discuss the matter with the Case Officer before carrying out the work affected by the variation, as a further application may be required however small the amendment may appear to be. Failure to comply may result in Enforcement Action, or Prosecution in the case of unauthorised works to Listed Buildings.

- £34.00 if the application is a householder application
- £234.00 in any other case

4. **Separate Building Regulations Approval**

The approval does not imply permission under the building regulations. A separate application may be required and you should obtain any appropriate consent before carrying out the work. For advice regarding this, please contact the Building Control Section during normal office hours. Tel. (01926) 456551.

5. **Appeals to the Secretary of State**

You can submit your appeal electronically via www.gov.uk
This also allows you to track progress of your appeal online.

You can also obtain the appeal forms from: The Planning Inspectorate,
Temple Quay House,
2 The Square,
Temple Quay, Bristol.
BS1 6PN
Tel: 0303 444 5000

- In relation to applications for Householder development, you have **TWELVE WEEKS** from the date of the decision notice.
- In relation to applications for *i. Planning Permission (non-householder), ii. Reserved Matters and iii. Discharge of Conditions* you have up to **SIX MONTHS** from the date of the notice of the decision or determination giving rise to the appeal.
- Advertisement Consent appeals should be made within **EIGHT WEEKS** from the date of the decision notice.
- In relation to Listed Building or Conservation Consent you have up to **SIX MONTHS** from the date of receipt of the decision notice.
- In relation to applications for minor commercial development, you have **TWELVE WEEKS** from the date of this notice.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

If you wish to discuss the appeal procedure then contact the Case Officer. If you wish to discuss whether there is any opportunity to resolve the issue, for example, by the submission of a further application then contact the Case Officer who dealt with the application.

6. **Disabled Access and Facilities**

The provisions of Part M of the Building Regulations 1991 (as amended) applies to all new buildings including dwellings and, in certain instances, extensions to buildings. You are advised to contact the Building Control Section for further advice.

7. **Purchase Notices**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that the land has become incapable of a reasonably beneficial use. In these circumstances, the owner may serve a purchase notice on the Council seeking to require the Council to purchase the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

8. **Demolition of all Buildings**

Any persons wishing to undertake demolition should notify the Council as required by Section 80 of the Building Act 1984. Such applications should be made to the Building Control Section 6 weeks prior to any demolition taking place.

9. **Listed Building Demolition**

Attention is drawn to Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of the consent granted by the District Planning Authority) until notice of the proposal has been given to English Heritage, Architectural Investigation Section, The National Monuments Record Centre, Kemble Drive, Swindon, SN2 2GZ - Tel. 01793 414715, and officers of English Heritage subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it. A copy of form STAT.E, on which you may notify English Heritage of the proposal to demolish the building, is enclosed, where needed.

10. **Works within the Public Highway**

It is pointed out that if construction work will involve excavation in the highway for the construction of a vehicular access crossing or for the connection of services it will be necessary to obtain the approval of the County Highway Authority before work commences in the highway. Permissions are also necessary for the erection of scaffolding, or a hoarding, or the storage of materials on the highway. The County Highways Customer Advice Centre can be contacted on 01926 412515. Particularly in Conservation Areas and on busy traffic routes, apart from in exceptional cases, permissions for the storage of materials or the closure or partial closure of roads for construction purposes will be resisted. The design of the building and subsequent programme of construction should therefore be based on the need to make provision for all materials and construction plant to be contained within the curtilage of the site.

11. Public rights of way must remain open and available for public use at all times unless closed by legal order. The applicant must make good any damage to the surface of any public right of way caused during works. If it is proposed to temporarily close any public right of way during works then an application for a Traffic Regulation Order must be made to Warwickshire County Council's Rights of Way team well in advance. Any disturbance or alteration to the surface of any public right of way requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public right of way.

12. **The Party Wall etc. Act 1996**

If you intend to carry out building work which involves:-

- work on an existing wall shared with another neighbour
- building on the boundary with a neighbouring property
- excavating near a neighbouring building

you must find out whether that work falls within the Act. If it does, you must notify all affected neighbours. Further information can be found on the [Party Wall Act pages on GOV.UK](#).

13. **Flues/Vents/Extraction Systems on Domestic Dwelling Houses**

Whilst planning permission may not be required for minor items such as modest

flues, outlets for gas installations, kitchen extract systems or ventilation outlets to equipment such as tumble dryers, in order to avoid the potential for causing nuisance to neighbours you should ensure, together with your installation engineer or builder, that any newly installed or relocated outlets are directed so that the plume produced – often only visible during very cold weather – is not discharging over neighbouring property. The Council has powers to address a statutory nuisance from fumes and/or odour if this advice is not followed, which could result in significant post installation costs from the relocation or redirection of the outlet to your system. It is also always best to check first with the relevant Area Team (numbers previously given in 2) whether planning permission is required for such an installation. Building Regulations permission may also be required.

14. **Considerate Constructors Scheme**

Warwick District Council would encourage the developer to voluntarily register with the Considerate Constructors Scheme and agree to abide by the Code of Considerate Practice, designed to encourage best practice beyond statutory requirements in order to care about appearance, respect the community, protect the environment, secure everyone's safety and value workforce. For more information please refer to the website:

<https://www.ccscheme.org.uk/>

15. **Construction Site Working**

Construction works have the potential to cause nuisance to neighbouring residents such as noise from use of plant and equipment, activity at unsociable hours, delivery vehicles blocking roads, dust from site working, bonfire and deposit of mud and/or dust on the roads. To minimise nuisance, it is recommended that:-

- Work which is likely to give rise to noise off-site should be restricted to the following hours:- Mon-Fri 7.30 am – 5 pm, Sat 7.30 am – 1 pm. No working Sundays or Bank Holidays.
- 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.
- "Best practicable means" shall be employed at all times to control noise and dust on site.

If you require more specific advice on the above two matters please contact the Environmental Health Department on 456725 or email ehpollution@warwickdc.gov.uk.

16. **Street Naming and Numbering**

All new developments, infills of additional properties and property conversions require new addresses to be issued by the District Council, in accordance with the Public Health Act 1925 and the Town Improvements Clauses Act 1847. To arrange for an address to be issued contact Street Naming and Numbering on 01926 456510 or email at snn@warwickdc.gov.uk after construction work has commenced and before completion.

16. **Pest Infestation & Disease Transmission**

In order to minimise the risks of pest infestation and disease transmission during the demolition and construction of buildings, please be aware of the

importance of ensuring that that the planning and design of new projects do not create additional avoidable problems, and to recognise and minimise risk to ensure that they do not create conditions that encourage and support pest infestation. The Local Authority would expect property design to include avoidance of harbourage, water filled drainage ditches and the blocking off of drainage systems and other structural components when necessary. A document has been produced by the Chartered Institute of Environmental Health called *Pest Minimisation* as a guide for best practice for the construction industry.

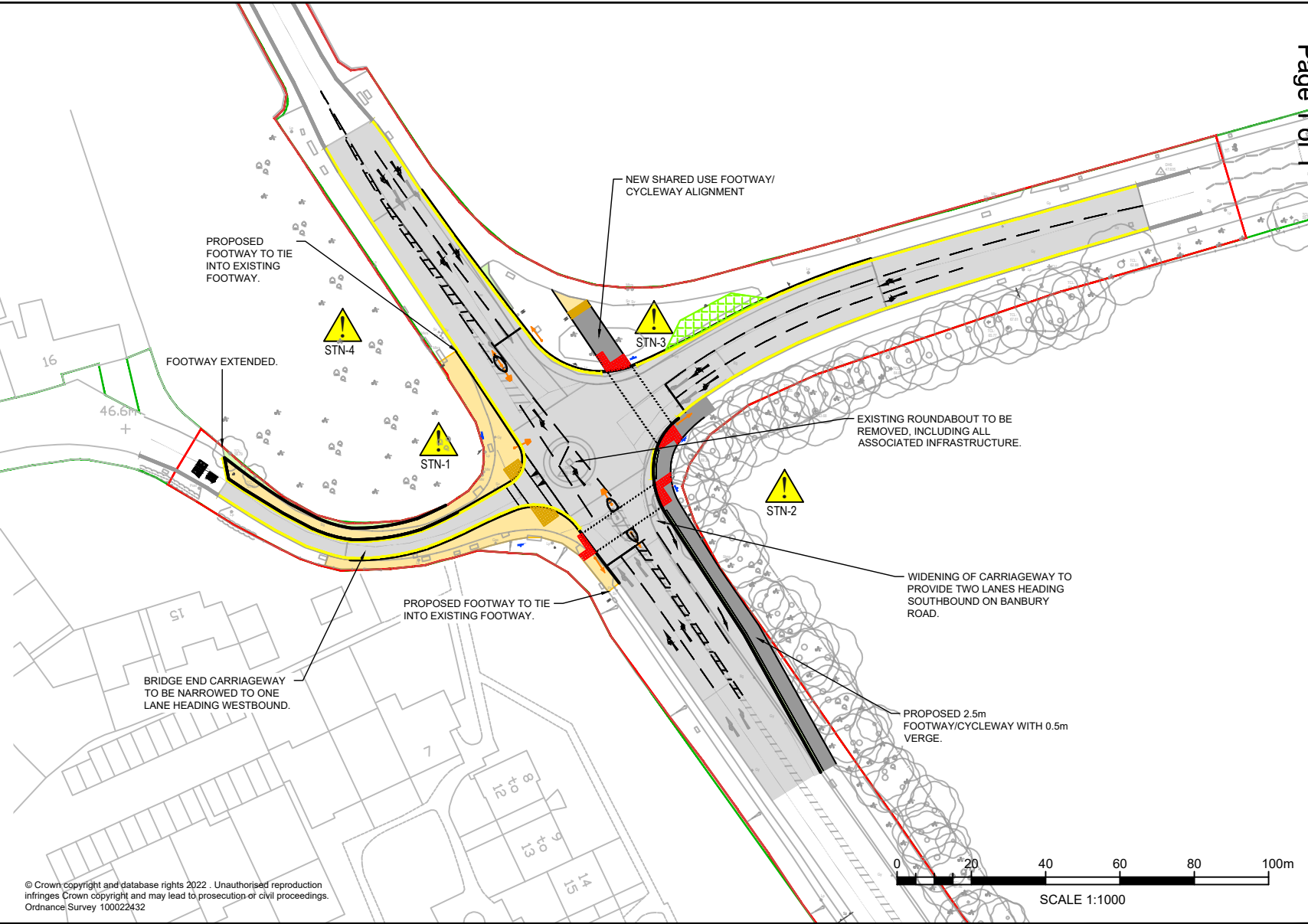
Issue Date: Revised May 2015

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- KEY:
- SITE BOUNDARY
 - HIGHWAY BOUNDARY
 - PROPOSED / RESURFACED FOOTWAY
 - FOOTWAY / CYCLEWAY
 - CARRIAGEWAY
 - VERGE
 - MAINTENANCE BAY
 - RED BLISTER TACTILE PAVING
 - CORDUROY TACTILE PAVING
 - TACTILE PAVING
 - PROPOSED PRIMARY SIGNAL
 - PROPOSED SECONDARY SIGNAL
 - ▲ TRAFFIC SIGNS
 - STREET PLATE

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Client/Project:
TAYLOR WIMPEY / BLOOR HOMES

THE ASPS BANBURY ROAD S278 WORKS

Project No.:
332210634

Title
GENERAL ARRANGEMENT

S4 FOR REVIEW AND AUTHORISATION

Revision: P01 Date: 2023.12.15 Drawing No. 332210634-STN-HGN-2003-DR-CH-0100

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Portfolio Holder Decision Addition to the Education Capital Programme

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	18 March 2024
	Signed

1. Decision taken

That the Portfolio Holder for Finance and Property (Deputy Leader)

- 1.1 approves the addition to the Capital Programme of the scheme to create additional space in Year 2 and Year 4 at Weddington Primary School at an estimated cost of £0.026 million (£26,000) to be funded from S106 receipts; and
- 1.2 approves the addition to the Capital Programme of the scheme to improve ICT infrastructure at Aylesford School at an estimated cost of £0.320 million (£320,000) to be funded from S106 receipts.

2. Reasons for decisions

- 2.1 The Portfolio Holder has delegated authority to add schemes to the Capital Programme where the value is less than £2,000,000 and the scheme is fully funded from external grants, developer contributions or from revenue. Funding from developer contributions can only be used for a limited range of purposes specified in the relevant agreement. The Infrastructure Team has confirmed the availability and use of the funding.

3. Background information

Weddington Primary School

- 3.1 Current pupil numbers suggest a shortfall of places is expected by the end of 2024/25 academic year in the Nuneaton Northeast planning area. Whilst there is a shortfall across a number of year groups, there is capacity in neighbouring planning areas to meet this localised pressure in places. The sufficiency team have identified that Year 2 and Year 4 in September 2024 are tight in available places across the rest of Nuneaton and therefore, further places in these year groups are needed to ensure sufficiency of places across the area.

3.2 In order to be able to accommodate the additional forms in years 2 and 4 from September 2024, the school will require furniture, ICT equipment and some refurbishment to make the spaces suitable for teaching. The school will also require some additional dining furniture.

3.3 The total cost of refurbishment, ICT and Furniture is 0.026 million (£26,000) and it is proposed to fund this from developer contributions from development in the area.

Aylesford School

3.4 The funds requested will enable the school to add new facilities and make further significant improvements to their ICT across all phases of the school.

3.5 The scope of work includes the following:

- Improvements to the teaching wall layout and provision in all classrooms
- Provision of touch screen display technology in all rooms to replace all projectors
- Switch infrastructure to support 10GB fibre installation to both open and closed buildings
- New whole school Aruba WIFI system that supports high bandwidth transmission and extension to primary school.
- Simplification of existing CABs and infrastructure to support more efficient operation and maintenance in closed building
- Additional AV improvements to main hall
- New core servers with associated software.

3.6 The school would like this work to be carried out in tandem with existing remedial works between February – June 2024.

4. Financial Implications

4.1 The capital works outlined in section 3 are estimated to cost £0.346 million (£346,000) and will be funded solely from developer contributions.

4.2 The specific obligation associated with the developer contributions to be utilised at Aylesford School limit use to that school only and therefore cannot be utilised towards meeting place pressures in any other area of the county or for works at any other school.

4.3 The obligation associated with the developer contributions to be utilised at Weddington Primary School does not limit use to this school but the funds have been obtained from a development local to the school.

5. Environmental Implications

- 5.1 The changes to Building Regulations in June 2022 have significantly strengthened sustainable construction methods and whilst not solely changed for environmental purpose, they ensure that future construction recognises environmental challenges.
- 5.2 The associated capital works are anticipated to be minimal with the additional accommodation requirements involving small scale internal alterations and refurbishment.
- 5.3 It is anticipated that there will be a positive impact on air quality and carbon emissions with the introduction of additional places at Weddington Primary School as this will provide more local education provision reducing travel distance and journey times for the learner.

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Portfolio Holder	Cllr Peter Butlin - Portfolio Holder for Finance and Property peterbutlin@warwickshire.gov.uk

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

None

Members and officers consulted and informed

Portfolio Holder – Councillor Peter Butlin

Corporate Board – Nigel Minns

Legal – Guy Darvill

Finance – Brian Smith

Equality – Delroy Madden

Democratic Services – Amy Bridgewater-Carnall

Councillors – Chair & Spokes of Resources OSC & Chair & Spokes of CYP OSC

Local Member(s): Councillor Robert Tromans (Weddington) & Councillor John Holland (Warwick West)

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