

Regulatory Committee

Date: Tuesday 6 June 2023
Time: 10.30 am
Venue: Committee Room 2, Shire Hall

Membership

Councillor Jill Simpson-Vince (Chair)
Councillor John Cooke (Vice-Chair)
Councillor Jeff Clarke
Councillor Judy Falp
Councillor Dave Humphreys
Councillor Andy Jenns
Councillor Jack Kennaugh
Councillor Justin Kerridge
Councillor Chris Mills
Councillor Caroline Phillips
Councillor Ian Shenton
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 Previous Meetings

To receive the minutes of the Regulatory Committee meeting held on 7 March 2023 and of the Annual Meeting of the Regulatory Committee held on 16 May 2023.

5 - 8

2. Delegated Decisions

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

9 - 10

Planning Applications

3. **Planning application WDC/23CC001 Outline planning permission for development of new primary school, Land to the north of Fusiliers Way, Warwick** 11 - 58
4. **Planning application RBC/22CC007: New fire rescue training centre including fire simulation training facility** 59 - 80
5. **Reports Containing Exempt or Confidential Information**
To consider passing the following resolution:

'That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraphs 3 and 7 of Schedule 12A of Part 1 of the Local Government Act 1972'.
6. **Planning Enforcement Report** 81 - 100

Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

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Disclosures of Pecuniary and Non-Pecuniary Interests

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

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

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

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

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

Public Speaking

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

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 March 2023

Minutes

Attendance

Committee Members

Councillor Jill Simpson-Vince (Chair)
Councillor John Cooke (Vice-Chair)
Councillor Judy Falp
Councillor Jack Kennaugh
Councillor Jan Matecki
Councillor Chris Mills
Councillor Ian Shenton
Councillor Adrian Warwick

Officers

Helen Barnsley, Senior Democratic Services Officer
Sally Panayi, Senior Planning Officer
Caroline Gutteridge, Delivery Lead Commercial & Regulatory
Scott Tompkins, Assistant Director for Environment Services

1. General

(1) Apologies

Apologies were received from Councillors Jeff Clarke, Sarah Feeney, Dave Humphries and Justin Kerridge.

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

None.

(3) Minutes of the Previous Meeting

The minutes of the meeting held on the 4th October 2022 were agreed as a true and accurate record.

There were no matters arising.

2. Delegated Decisions

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

4. Reports Containing Confidential or Exempt Information

Resolved

That members of the public be excluded from the meeting for the items below on the grounds that their presence would involve the disclosure of confidential or exempt information as defined in Paragraph 3, Schedule 12A of the Local Government Act 1972 as amended.

5. Report for Information - Changes to delegation agreement for the determination of Regulation 3 applications for school development

Resolved

The Regulatory Committee note the content of the report.

Regulatory Committee

Tuesday 16 May 2023

Minutes

Attendance

Committee Members

Councillor Jill Simpson-Vince (Chair)

Councillor John Cooke (Vice-Chair)

Councillor Jeff Clarke

Councillor Judy Falp

Councillor Sarah Feeney

Councillor Dave Humphreys

Councillor Justin Kerridge

Councillor Jan Matecki

Councillor Chris Mills

Councillor Ian Shenton

Councillor Adrian Warwick

1. General

(1) Apologies

Apologies were received from Councillor Jack Kennaugh.

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

None.

2. Appointment of Chair

Resolved

That Councillor Jill Simpson-Vince be Chair of the Regulatory Committee for the ensuing municipal year.

3. Appointment of Vice-Chair

Resolved

That Councillor John Cooke be Vice-Chair of the Regulatory Committee for the ensuing municipal year.

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Regulatory Committee – 6 June 2023

Applications Dealt with Under Delegated Powers between 7th March 2023 and 24th May 2023

Recommendation

That the Regulatory Committee notes the content of the report

Delegated Powers

C. APPLICATIONS DEALT WITH UNDER DELEGATED POWERS BETWEEN 7th March 2023 and 24th May 2023		
Application reference & valid date electoral division case officer	Site location & proposal	Decision date
<u>WDC/22CC009</u> Whitnash Georg Urban Planning Office	Infant calssroom at Briar Hill Infant School & Junior classroom at St. Margarets Briar Hill Infant School, Coppice Road, Whitnash, Warwickshire, CV 31 2JF	Approved 4 th April 2023
<u>WDC/22CC010</u> Bishops Tachbrook Georg Urban Planning Officer	New modular classroom, 2 additional car parking spaces and external works Bishops Tachbrooks C of E School. Kingsley Road, Bishops Tachbrook, CV33 9RY	Approved 6 th April 2023

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Regulatory Committee

6 June 2023

Outline planning permission with all matters reserved apart from access, for the development of a new 2 Form Entry Primary School and 34 Full Time Equivalent place Nursery with associated external areas, access and parking on land north of Fusiliers Way and directly south and southwest of Evergreen SEN School, Warwick and full planning permission for the creation of habitat mitigation area

WDC/23CC001

Application No.: WDC/23CC001

Advertised date: 10 March 2023

Applicant: Mr Craig Cusack,
Assistant Director for Enabling Services
Warwickshire County Council
Shire Hall
Warwick
CV34 4RL

Agent: Robothams Architects
David Robotham Ltd
12, Church Street
Warwick
CV34 4AB

Registered by: The Strategic Director for Communities on 16 February 2023

Proposal: Outline planning permission with all matters reserved apart from access, for the development of a new 2 Form Entry Primary School and 34 Full Time Equivalent place Nursery with associated external areas, access and parking on land north of Fusiliers Way and directly south and southwest of Evergreen SEN School, Warwick and full planning permission for the creation of habitat mitigation area

Site & location: Land to the North of Fusiliers Way. [Grid ref: 430090.264504].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of outline planning permission with all matters reserved apart from access, for the development of a new 2 Form Entry Primary School and 34 Full Time Equivalent place Nursery with associated external areas, access and parking on land north of Fusiliers Way and directly south and southwest of Evergreen SEN School, Warwick and full planning permission for the creation of habitat mitigation area subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 The application was initially submitted as an outline planning application for the construction of a new Primary School and Nursery on 2.42 hectares of land to the north of Fusiliers Way, Warwick. The application was subsequently amended to a hybrid application, seeking outline consent for the school development with all matters reserved apart from access and seeking full planning consent for the creation of the habitat mitigation works in the northern area of the application site.
- 1.2 An additional 14-day consultation period was conducted in May 2023 to advise of the change from outline to hybrid application. Consultation letters or emails were sent to all statutory consultees; the local residents who had previously been advised of the planning application in addition to those other parties who had submitted comments in response to the planning application following the first consultation.
- 1.3 The Design and Access statement explains that as a result of housing developments and growth in the area of South Leamington/Warwick the total of some 4,500 new homes would generate an additional 1,022 children in the medium to long term. To meet the education demands of those additional children, four primary schools are required. The first primary school opened in 2017 and has since expanded to a 2 Form Entry (2FE). A further three primary schools are required across the area with developer contributions and S106 Agreements in place to deliver the necessary provision. The proposed (Myton Gardens) school subject of this application is one of those three schools. A 7.4 hectare site located to the west of the allocated housing site (HS01 Land West of Europa Way) was safeguarded for education via a S106 Agreement under planning permission W/14/1076 and the later application W/15/0981. The parcel of land has been subdivided between three uses: Myton Gardens Primary School and

Nursery (subject of this application), a Department of Education (DfE) site for an alternative provision school and an athletics stadium.

- 1.5 The proposed school development would comprise the Primary School and nursery buildings together with the car parking provision located in the southern area of the application site, adjacent to Fusiliers Way. The design of the school buildings, the layout of the car park, playing fields and landscaping will be the subject of a future reserved matters application. The northern section of the application site would provide playing field and sports pitches to meet Sport England standard for school playing field requirements. An outdoor classroom area is proposed to the northeast of the playing fields close to the boundary with the Evergreen School playing field.
- 1.6 The most northern area of the site adjacent to the boundary with residential properties in The Malins and Myton Crescent is proposed to provide a habitat and biodiversity area. The amendment to the planning application in May 2023 is seeking this area to be subject of the full planning application.
- 1.7 The details of the siting of the buildings and the sports facilities are not fixed as they are part of the outline planning application. As detailed in the Transport Statement it is proposed to construct the site access off Fusiliers Way for staff, pupils and vehicles to the school. An existing gated field access at the end of the cul-de-sac at The Malins is proposed to be retained and used as an access for maintenance of the playing fields. When the application was first submitted, the access from The Malins was indicated to be used as the access for the works required to implement the proposed habitat and biodiversity enhancements. In response to concerns and objections raised to the use of this access, amended plans were submitted proposing a temporary haul road accessed from Fusiliers Way as the access for the habitat construction, with a works compound for those works positioned in the southern area of the application site.
- 1.8 The Landscape Masterplan submitted with the application indicates the majority of the trees in the northern area of the application site to be retained and the habitat area enhanced by more planting. A bund is proposed to the west and east of the gated access in the northern area of the application site. To facilitate creation of the proposed playing fields an ash tree (T8) and hedgerows H1, H3 and H4 in addition to part of a tree group would be required to be removed. Native species rich hedgerows are proposed to be replanted on the boundaries of the school site and felled trees to be replaced with agreed species on a two for one ratio.
- 1.9 Detail of the boundary treatment to the application site has been provided, indicating a weld mesh security fence. The Landscape Plan initially indicated the erection of dark green weldmesh boundary fencing to a height of 2.4 m to secure the school boundary with apertures at ground level at 20 metres to ensure nature permeability. An amended plan was subsequently submitted indicating the height of the fencing along the boundary of rear gardens of The Malins and Myton Crescent reduced to 1.8 m in height in

response to comments from neighbouring residents. A 2.4 m weldmesh fence is proposed along the southern boundary of the habitat area to secure the area and reduce disturbance from the playing fields area to the south.

- 1.10 The proposed school is indicated to be a 2FE (420 place) primary school and an additional 8-14 place provision for pupils with social, emotional and mental health (SEMH) needs. The proposed nursery would accommodate a total of 34 full time equivalent (FTE) places.
- 1.11 Access to the school would be via a single 5 m wide road off Fusiliers Way which would serve the school car parking area and also provide access to the Evergreen School site to the north. Cycle and pedestrian access would be provided by a path to the east of the vehicular access. In addition, a pedestrian access would be provided from the public highway on Fusiliers Way onto the paved area to the front/south of the proposed school buildings. The details of the car parking area and cycle provision for the school are to be provided as reserved matters in a future planning application.
- 1.12 The Transport Statement indicates that the development is forecast to generate 43 two-way vehicle trips during the morning peak (08:00 to 09:00) and 20 two-way vehicle trips during the evening peak and concludes that the modest potential increase in traffic would have no notable impact on safe operation of the local highway network.

2. Consultation

- 2.1 **Warwick District Council – Planning:** No comments received.
- 2.2 **Warwick District Council – Environmental Health:** No objection subject to recommended conditions for a Construction Management Plan and a Low Emission Strategy to comply with the Warwick District Council Air Quality Supplementary Planning Document.
- 2.3 **Warwick Town Council:** Support. This application is an essential part of the infrastructure provided for this area.
- 2.4 **Councillor Parminder Singh Birdi:** No comments received at time of writing.
- 2.5 **WCC Arboricultural Officer:** No comments received.
- 2.6 **WCC Equality and Diversity:** No comments received.
- 2.7 **WCC Flood Risk and Water Management:** No objection. On submission of additional information, an initial objection was overcome subject to planning conditions requiring the submission and approval of a detailed surface water drainage scheme for the site. It was subsequently agreed that the habitat mitigation works could commence

prior to the submission of the surface water drainage scheme. (The application was later amended to a hybrid application for those works to form the full application with the works to be carried out prior to the submission of the drainage details).

In an advisory note in response to comment from a neighbouring resident with regard to the potential for flooding during the construction period, a recommendation was made for any Construction and Environmental Management Plan for the application site to include measures to prevent excessive surface water run off during the construction phase.

- 2.8 **Warwickshire Fire & Rescue Service:** No objection subject to criteria being met.
- 2.9 **WCC Public Health:** No comments received.
- 2.10 **WCC Highways:** No objection.

The proposal has been supported by the submission of a Transport Statement which considers the impact of the development on the surrounding Highway Network. The Information contained within the Statement has been reviewed by Transport Planning and following some clarification, it has been confirmed that the proposal has no adverse impact on the network.

Given that access forms part of the outline application, the access proposals shown on submitted drawing 4332-105 rev E (contained within the Transport Statement) have been considered and found in principle to be acceptable, however, full details will need to accompany the Reserved Matters submission. A condition is recommended to secure this. The suggested wording of the condition was re-worded to state:

“Prior to the first occupation of the development hereby permitted, the proposed access and visibility splays as indicatively shown on the submitted Drawing 24321-01b (or as amended by Road Safety Audit or Detailed Design) must be complete and open to traffic. The development shall not be brought into use until the access has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.”

- 2.11 **WCC Archaeology:** No objection but due to the potential for the development to have an impact on any archaeological features which survive across the site a planning condition is recommended to secure archaeological work which would include the applicant submitting for approval a Written Scheme of Investigation (WSI) setting out the archaeological works to be undertaken.

In a further response it is confirmed that a WSI for an appropriate programme of archaeological work for the habitat mitigation area in the northern area of the site could be submitted prior to determination of the application. In that case the recommended condition could be split into two with one referencing the agreed WSI for the northern area allowing those works to commence and a second condition requiring a WSI for the remainder of the site.

The planning application was subsequently amended to a hybrid application. A suitably worded planning condition to secure the recommended archaeological works is to be attached to both the outline and the full element of the application.

- 2.12 **WCC Ecology Services:** No objection subject to the recommended conditions for the implementation of the Habitat and Biodiversity Area; Tree Protection Plan for outline and reserved matters stage; CEMP for outline and reserved matters stage, LEMP for reserved matters stage and External Lighting Scheme for reserved matters stage.

The County Ecologist stated that they would recommend that full details of the landscaping will be required as part of the reserved matters application. We would expect to see details of tree and shrub species, sizes, density of planting etc. All species used for planting should be ideally native and locally sourced. The landscape plan shows the proposed removal of the central tree line in its entirety, with the exception of Tree T6 and T7 which are proposed to be retained. We would recommend that as many of the existing trees as possible are retained in the northern habitat area, to provide existing tree cover and foraging/commuting habitat for bats and other wildlife. I note that the existing hedgerow on the eastern boundary is partly to be removed, however the plans show hedgerow planting on the eastern boundary which will compensate for this and provide additional habitat connectivity in the long term.

A Landscape and Ecological Management Plan (LEMP) is required for the whole site (including the Habitat and Biodiversity area) to include the creation of habitat for protected/notable species and future long-term management (30 years) and monitoring of the site. We welcome the proposed ecological enhancements outlined in the report including provision of bat and bird boxes on trees and/or on the buildings to provide enhancements for biodiversity within the development. These enhancements could be secured through a Landscape and Ecological Management Plan as a condition should planning permission be granted. There is scope for further habitat enhancements for reptiles and amphibians such as log piles/brush piles, and a pond if feasible for health and safety reasons.

Along the western boundary of the wider site, hedgerow planting is proposed. Can this hedgerow planting be extended along the entire western boundary, to extend the proposed hedgerow planting? This will provide compensation for loss of habitat connectivity through the site. The existing

field boundary hedgerow outside of the western boundary is likely to be removed under the community stadium masterplan.

A Tree Schedule and a Tree Constraints Plan has been submitted. The existing trees should be protected against possible root damage and soil compaction during construction in line with British Standard BS5837:2012. A condition for a Tree Protection Plan is recommended to be attached to any approval to protect the trees and hedgerows during the works.

The Ecological Impact Assessment (EclA) does not fully consider biodiversity net gain as part of the outline application as it states that biodiversity net gain will be revisited at the reserved matters and detailed design stage and the applicant is looking into offsite mitigation options. There will be a biodiversity loss as a result of the scheme and the number of units loss and percentage loss will need to be finalised. To reduce the loss we would recommend that considerations are made to revise the layout to retain more of the existing scrub and trees, to reduce the impacts of the development.

The County Ecologist considered that submission of another Biodiversity Metric for the outline application area is not necessary in this case, as the whole site is proposed for development. As there is an expected biodiversity loss, in order for the reserved matters application to be acceptable under the NPPF, the application will need to demonstrate how a net biodiversity gain will be achieved through creation and enhancement of habitats off-site and their long-term management.

Assurances need to be made by the applicant that offsetting would be deliverable prior to determination of the reserved matters application through submission of an updated Biodiversity Metric and agreements made via a suitable approach

The biodiversity offsetting scheme could be provided via a broker such as the Environment Bank, or elsewhere within the landownership of the applicant, or by WCC Ecological Services team.

- 2.13 **WCC Planning Policy:** No comments received
- 2.14 **WFRS - Water Supplies Planning Officer:** No comments received.
- 2.15 **Warwickshire Police:** No objection.

I note from the design and access statement that this development will be built in accordance with the guidelines and aim to achieve BREEAM “very good” accreditation. I am disappointed that there is no mention of security or crime prevention, and no reference is made to Secured By Design. Secured By Design is a crime prevention initiative operated by Police Services of the UK. It has a proven track record in reducing the opportunities for crime and anti-social behaviour. I therefore recommend that principles of Secured By Design New Schools 2014 must be incorporated into the design and layout of this development.

Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. These sites should be made as secure as possible. All plant and machinery should be stored in a secure area. Tools and equipment should be marked in such a way that they are easily identifiable to the company. Consideration should be given to the use of security patrols. Developers are now requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that they have arrived on site and provide contact numbers of the site manager for use in the case of an emergency. A grid reference for the site should be provided. This will help to reduce the possibilities of a delayed response.

- 2.16 **Sport England:** No objection subject to conditions relating to the construction of the playing field land, artificial sport pitch design and a community use agreement.

The submitted Landscape Plan displays the provision of an u7/8s mini soccer pitch, u9/10s mini-soccer pitch, u7/8s artificial mini soccer pitch and a 2 court MUGA. The dimensions of the pitches and courts accord with the relevant National Governing Bodies recommendations and the gradients accord with Sport England's Natural Turf for Sport Design Guidance Note.

However, Sport England would query the provision of an artificial pitch at the site with it not being required to meet a strategic need as identified with Warwick District's Playing Pitch Strategy and there being a number of similar artificial pitches in the area. It should be noted that the pitch will require an ongoing maintenance cost and a sinking fund, as such are there plans to hire out the facility? If so, will the facility benefit from sports lighting? In viewing the Landscape Plan it is unclear if the artificial pitch will benefit from fencing and whether there will a walk way to the pitch, this would assist in the containment of the infill material and prevent contamination of the surface i.e. mud from the playing field land. Sport England advises that the artificial pitch should be constructed in accordance with Sport England's Artificial Surfaces for Outdoor Sport Design Guidance Note and should the pitch be utilised for school football matches it would need to be tested to enable it to be placed on the FA's 3G pitch register.

In relation to the natural turf pitches Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport.'

- 2.17 **Severn Trent Water Ltd:** No comments received.

- 2.18 **Environment Agency:** No comments to make.

- 2.19 Four site notices were displayed on 7 March 2023, one on the security fencing on frontage of the proposed site off Fusiliers Way, one on a lamppost in Lavender Close to the east of the application site, the third on the gate at the turning head of the cul-de-sac in The Malins and the fourth on a lamppost in Myton Crescent. The 20 nearest residential properties, Myton School, Evergreen School and Brook Farm were individually notified on 10 March 2023. A press notice was placed in the local press, the Leamington Courier on 10 March 2023.
- 2.20 A second consultation was undertaken by email or hand delivered letter on 12 May 2023 to advise statutory consultees, local residents and those parties that had previously commented on the application, that the application had been amended from an outline application to a hybrid application including outline and full application details.

3. Representations

- 3.1 In response to the consultation, 15 representations were received from local residents making comments, of which 9 raised objections to the proposed school development. The following points were made:

Access to the school:

- There should be no vehicular access for the public through the gate to the north of the site adjoining The Malins.
- Maintenance vehicles should primarily access the site through the entrance indicated on the left of the plan (Field maintenance access indicated on the Landscape Plan along the western boundary with the future neighbouring school site).
- Myton Crescent is frequently clogged with cars waiting to pick up pupils from the nearby school (Myton School) and any large mowing tractors would have great difficulty getting through.
- The presence of a maintenance gate would allow people onto the school site without signing in which is not acceptable in a school environment.
- Myton School, Warwick School, Myton Fields and Evergreen School have had incursions from travellers. A gate, even locked, would allow access for such incursions.
- Once a site entrance gate has been installed for “maintenance vehicles” in The Malins, the resulting vehicle traffic will be unacceptable, Myton Crescent was never designed to have such vehicular usage. If this vehicle access is agreed would it then open the flood gates for all and sundry to access the site and in time build a

pedestrian gate, which would bring more vehicles dropping off children to access the site.

- Myton Crescent is clogged on a daily basis by parked cars, belonging to 6th form students from Myton School, which limits the road to very narrow single lane, thoughtless parking by parents dropping off and collecting children is resulting in damage to grass verges, air pollution from engines left running and parents using drives in Myton Crescent as their personal turning places and actually parking on said drives to drop off and pick up their offspring.
- I feel that ALL access to the new school sites should be via Fusilliers Way with no access from Myton Crescent and The Malins, this should not and cannot be railroaded through without wider consultations with all the residents and some firm assurances given.
- In speaking to local councillors that visited Myton Crescent recently I was assured that the aim is to move traffic away from the congestion of the Myton Road so that all new development access is off Fusilliers Way that does not appear to be the case.
- When the plans for the housing development were first issued, they showed the end of The Malins remaining closed, which everyone locally thought essential to prevent the development of a 'rat run', from the new housing concentration, via The Malins and the western end of Myton Crescent, down to the busy Myton Road. Access for construction traffic and equipment would not (hopefully) involve the movement of so many vehicles, but those likely to come would be large and heavy, generating high levels of noise, health-hazarding levels of pollution from diesel fumes and the potential for damage to road surfaces, with potholes developing. The only large and heavy vehicles regularly using these roads are the refuse collection trucks.
- Firstly, it is crucial that there is to be no access at all through The Malins, either pedestrian, vehicle, or service access. Myton Crescent and The Malins are clogged up twice a day for approximately 45 minutes at a time by Myton School traffic.
- A serious concern is that an ambulance would be unable to get through the traffic, putting residents of Myton Crescent, The Malins, and Elizabeth Court at potential risk every day, twice a day.
- The use of The Malins for contractors during the construction phase is unacceptable. Use after construction by large/heavy grass cutting equipment would add to the congestion already experienced. Use of access through the gate for children/parents dropping off would exacerbate an already unacceptable situation.

- Security during and following construction – allowing rear access to the school is potentially a significant security risk as it will require the gate to be securely locked at all times. Its location therefore opens up the very real possibility of unauthorised access and/or the bypassing of signing in processes at the school. We would propose therefore that the rear maintenance entrance is removed from the planning application.

Loss of Light

- My main concern is that I don't want to lose light coming into my house and my garden as a result of the development. At present most of my light comes in from across that field. I see on the most recent letter dated 12th May you will be building a habitat area in the northern area of the land to act as a buffer. Would you also consider building a large habitat area on the Eastern border? There are a lot of houses on Lavender Close bordering the Eastern edge and I am sure no one wants to lose light coming into their property

Fencing

- With regard to the type and style of fencing, please can you confirm that it will be in harmony with the residential setting that it borders.
- It is proposed that a 2.4 m weldmesh anticlimb fence is installed on our boundary. We have 6 windows within 2m of the boundary, including two, 1 m from the boundary fence. We regard the positioning of such a fence to be un-neighbourly due to its height and positioning and would be unduly prominent and overbearing and lead to an unacceptable outlook.
- There is a security fence on the inner edge of the Habitat and Biodiversity areas, the fencing adjacent to our property could be a boundary fence of a lower height. We suggest the green Weldmesh fencing be 1.6m high, the same as our boundary fencing/hedging.
- We have a concern about the 2.4m height of the surrounding exterior fence. Whilst we accept the security advantages of a high fence, it is visually unattractive and arguably, unnecessary as there is already an interior high fence. A 2.0m external fence may be more appropriate.
- If the northern boundary was configured boundary... bund... ditch... fence, the latter would be positioned behind the bund and at a distance from the closest houses on Myton Crescent and The Malins. Additionally, If the bund is strengthened with tree and bush growth as at Evergreen School there would be further protection from an unsightly and overweening fence.

Noise

- Please confirm what assessment of and mitigation is in place for noise with regard to those working from home at neighbouring properties?

Drainage/Flooding

- Our business is drainage, and the approach to project appears to be considered. However we are concerned about water inundation from the field during heavy rain. Indeed, at the time of writing, water is standing alongside our house and escaping round the garden.
- It is requested that before work commences, a bund, approx 400mm high should be installed to protect the two houses on Myton Crescent and The Malins from excess runoff which will be increased manifold when the earthmoving starts and strips away the vegetation. This will be a serious issue when parts of the site are levelled for sports pitches. Six houses are likely to be flooded with muddy runoff.
- The Council knows already of previous flooding events during the construction of the Technology Park and more recently Evergreen School.
- This is an area (*land rear of Myton Crescent*) where ground water flooding has occurred, most seriously in 2007 and again in 2012 and 2018. The Drainage report inaccurately states at Page 14 that there is no record of flooding at this site and to some extent at least its conclusions and proposed alleviation measures will be based on this faulty premise. We have attached correspondence with the County Council at this time (other residents communicated with the Council as well) which references exactly how the County Council was involved, so the Council should have been aware of the potential for flooding when commissioning the drainage report. In fact if the Council had chosen to refer to the applications pertaining to this land from WA/13/1016 (given prominence in the D&A statement) onwards, their attention would have been drawn to these concerns. The inundation of our property and neighbouring properties on two occasions in 2007 was linked to ground disturbance during the installation of new field drains on the Evergreen school playing field. This was NOT a 1 in 200 year event as it has periodically reoccurred despite the alleviation measures which were ultimately agreed once we had warned the County Council that legal action would be taken. The County Council agreed to construct a bund/levee in the north west corner of the Evergreen field adjacent to 28 Myton Crescent and to strengthen it with tree growth. This was put in place. The Council also agreed to install an automatic pump at this location to pipe excess water up the slope to the sewer by the Evergreen school buildings. We have no way of knowing whether this promise was

implemented although subsequent experience may suggest that this was either not done or proved ineffective.

- The existing field, and planned development, slopes downwards Northwest towards The Malins. We have two concerns:
 - as the surface vegetation is removed during the construction phase there will, during periods of heavy rain, inevitably be surface run off which will build up at the The Malins boundary and run into the The Malins itself;
 - there is already evidence of water build up in periods of heavy rain. We don't see any plans to minimise this impact and we would need to be reassured that there will be sufficient drainage infrastructure to alleviate the problem.
- We believe the experience of 2012 and 2018 indicates clearly that a bund would not be effective without a ditch. On that occasion the collected water behind 28 and 26 Myton Crescent which the Evergreen bund has not prevented. In an attempt to divert this water from our land and that of no 28 we dug a shallow channel with a spade. Clearly this spade dug channel bore no comparison with a proper ditch does show how water can be directed into a water course, something the AMEC report suggests was historically once the case.

Pollution

- If construction and maintenance vehicles are allowed to traverse Myton Crescent and The Malins, pollution would escalate evermore. The pollution is not only from vehicular exhaust, it includes noise and light pollution as well.
- At a time when the Government is trying to reduce pollution and failing desperately to achieve net zero and more, allowing this would give the wrong signal to everyone. Many of the residents of Myton Crescent are elderly or very young and their health may be affected by this development for the reasons above.

Ecology Issues

- Please can you confirm that the very mature and healthy trees at The Malins end of the field will be preserved? If not please guide me as to how to have the council consider a TPO?
- We would like to meet the designers when detailed landscaping proposals become available. We are particularly concerned about the tree planting in the bio-diversity area adjoining our boundary is

limited to species no more than 3 metres to avoid shadowing of our garden.

- The general environment of the area has deteriorated rapidly over the last few years, birds pheasants and foxes that used to frequent the fields have become rare now.

The new development of Myton Green has decimated the green environment in this area. The remaining field off The Malins contains deer, badgers, foxes, and bats – which are a protected species. It is crucial that the new boundary be a hedge, not a fence, in order to protect the remaining species. I would also stress the need to retain the ancient hedgerows around the field. As well as habitats for wildlife, they also serve as protection against flooding for the local residents. As someone who has lived in Warwick for 25 years, I am saddened by the way in which planning policy (the Local Plan) in my area has marginalised green environmental protection and air quality.

- We have seen a lot of wildlife in the field including pheasants, rabbits, red foxes, birds of prey (kestrels) and newts. Will the proposed development affect the native wildlife already established there?

High Voltage Cable

- It should be reinforced that a 11,000 Volt cable runs alongside our hedge (along the northern boundary with The Malins) and passes this point.

Consultation

- I find it appalling that only 4 properties in The Malins/Myton Crescent have been notified of something which will have far reaching consequences for all the residents of Myton Crescent, The Malins and Elizabeth Court and feel your department is acting in a very underhand and unacceptable way, perhaps the thinking was that if the residents didn't know, there would be very few objections, allowing you to push through the application sighting a lack of opposition.
- This is not an acceptable way to behave you need to consult properly not try and slide this development in without people knowing or having a chance to raise issues.

Other matters

- Will a no stopping/no waiting zone (e.g. zig-zag yellow painted lines) be implemented on Fusiliers Way outside the school?

- What considerations have been given to minimise the impact of additional traffic on nearby residential streets?
- What provision has been made for drop-off and pick up?

4. Previous Planning History

- 4.1 Historically the application site has been in use as an orchard and agricultural land.
- 4.2 The red line area of the application site formed part of the wider area of the outline planning permission granted by Warwick District Council in December 2014 (Ref: W14/1076). That approval was for residential development, retail community and health uses, with land safeguarded for education between Myton Road and Europa Way, Warwick. The 2014 planning application subsequently revised by application W/15/0981 to allow for a longer time limit to commence the various phases of development.

5. Assessment and Observations

Location

- 5.1 The application site is located some 1.7 km to the east of Warwick town centre and some 2.3 km to the south-west of Leamington Spa town centre. The site is bounded to the north by the grounds of Myton School and the established residential development and gardens of The Malins and Myton Crescent; the playing field of Evergreen SEN School and the recent residential development of Lavender Close to the east; Fusiliers Way forms the southern boundary with new residential development and houses under construction further to the south with fields to the west which are reserved for future educational use.
- 5.2 The red line area is 'L' shaped, comprising three parcels of land. The wider southern parcel and the north-western parcel have been in agricultural use while the north-eastern parcel has been in use as an orchard. The parcels of land are separated by hedgerows. The western boundary of the site with Evergreen School is marked by a 2 m green metal palisade fence. The rear gardens of Lavender Close are bounded by 2.4 m close boarded fencing. The northern boundary with properties in The Malins and Myton Crescent is marked by a mixture of vegetation, close boarded fencing and 1.2 m post and rail fencing. The western boundary of the red line area runs through the western field parcel with the boundary hedgerow of that field located to the west, beyond the red line.

- 5.3 The topography of the site slopes with a fall of some 6 metres between the highest point at Fusiliers Way in the south-west and the lowest point at The Malins/Myton Crescent in the north-west.

Planning Policy

- 5.4 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.

- 5.5 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.
- 5.6 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

- 5.7 The National Planning Policy Framework (NPPF) (July 2021) 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.

- 5.8 **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.
- 5.9 **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.
- 5.10 **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.
- 5.11 **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.
- 5.12 **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.
- 5.13 **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).

- 5.14 **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.
- 5.15 **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;
- 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

5.16 **Policy DS11 Allocated Housing Sites:** identifies land west of Europa Way (H01) for housing and facilities including a primary school.

5.17 **Policy DS12 Allocation of Land for Education:** identifies land allocated in the Myton area housing allocation site H01 for educational purposes (ED1).

5.18 **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.

5.19 **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.

5.20 **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.

- 5.21 **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.

- 5.22 **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.

- 5.23 **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.

- 5.24 **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.

5.25 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.

5.26 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.

5.27 Policy FW2 Sustainable Drainage: states that all new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan. There will be a presumption against underground storage of water, and it should support the delivery of green infrastructure.

All new development sites will discharge at the QBAR (see glossary) greenfield run-off rate, including an allowance for climate change; for sites with a life expectancy of less than 60 years, a 20% allowance must be applied; for sites with a greater than 60-year life expectancy, the allowance must be 30%.

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

- 5.28 **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.

Policy Considerations

- 5.29 The principal of the primary school provision is supported by the development plan. The NPPF requires that sufficient provision and choice of school places is provided to support the needs of existing and new communities. The application site falls within the wider area of land west of Europa Way (H01) allocated for housing and education in the Policies DS11 and DS12 of the Warwick District Local Plan and is identified in the planning approvals granted in 2014 and 2015 (W14/1076 and W/15/0981) as the location for the education provision.
- 5.30 The development plan includes policy constraints which seek to ensure a satisfactory form of development to protect the built and natural environment and the amenity of neighbouring occupiers from any adverse impacts resulting from the proposed development. Subject to such effects and impacts being appropriately managed or mitigated, the proposed development is considered to accord with the policies of the NPPF and the development plan.
- 5.31 This application has been amended to a hybrid application seeking outline consent for the development of a primary school with all matters reserved for future consideration except access and seeking full consent for the creation of a habitat mitigation area. The information submitted is sufficient to provide an indication of the development proposed and its likely potential impacts which are considered below.

Residential Amenity

- 5.32 The development of the school and associated playing fields in place of the existing disused fields and orchard would have an impact on the amenity of the surrounding residential areas including those to the north of the site, at The Malins and Myton Crescent. In addition, the occupiers of the newly constructed properties in Lavender Close and Peartree Road and the future residents of the housing in the vicinity

currently under construction including those fronting onto Fusiliers Way would be impacted.

- 5.33 The introduction of vehicles associated with the development onto Fusiliers Way would have an impact on the amenity of the area in terms of increasing traffic movements, noise and air pollution in the vicinity of the new school.
- 5.34 The habitat and biodiversity mitigation area at the north of the application site would provide a buffer between the established residential properties in The Malins and Myton Crescent and the proposed school playing fields and the school buildings which would be at a greater distance away to the south. The new residential properties to the south and east of the application site are located within an area currently subject to noise and disturbance from the construction phase of the remaining residential development.
- 5.35 At the time of the officer's site visit, the houses on the southern side of Fusiliers Way opposite the proposed school site were under construction while recently completed dwellings in Peartree Road further to the south of Fusiliers Way were occupied by residents.
- 5.36 The details of the distance between the school development (buildings, play areas and parking areas) and neighbouring properties do not form part of the current outline application. However, the outline plans give a general indication of the position of the elements of the school development with the school buildings positioned in the south-western area of the site and set back from Fusiliers Way with a distance of some 30 metres between the school buildings and the houses to the south, fronting Fusiliers Way. The details of the position and scale of the built development would be required to demonstrate that any loss of privacy, overlooking and noise impacts would be minimised or appropriately mitigated. The details would be considered as part of the future reserved matters planning application and required to accord with policies.
- 5.37 A construction management plan as recommended by Warwick District Council's Environmental Health Officer would be a requirement of the reserved matters application to manage the potential noise nuisance arising from the construction phase of the proposed development.
- 5.38 The details of any external plant and a noise assessment would be required to support a reserved matters application. Planning conditions would be imposed on the reserved matters application to minimise any future adverse noise impact on nearby residents from external plant associated with the school development.
- 5.39 The introduction of lighting and floodlighting associated with the school sports pitches has the potential to have a significant impact on the visual amenity of the area. Details of lighting across the school site and

the means to mitigate any detrimental impact would be required for approval with the reserved matters application.

Highways and Access

- 5.40 The Transport Statement supporting the application details that access for the school for pupils or staff would be from Fusiliers Way. Fusiliers Way is a 6 m wide carriageway with a 3 m wide grass verge and 3 m wide pedestrian/cycle path to each side of the road. A single 5 m wide access road is proposed to be used for the construction of the proposed school buildings, drainage and levelling works and creation of the playing fields, playgrounds and car parking area and on completion of the proposed development as the main access to the school
- 5.41 The northern boundary of the site has an existing field gate onto The Malins. On submission of the application, access at The Malins was indicated to be used for the implementation of the development works associated with the biodiversity area in the northern area of the application site. On the completion of the school development the field access off The Malins is proposed to be used solely for the maintenance of the playing pitches and the biodiversity area and not as a general access for the school.
- 5.42 Objections have been received from a number of residents living in Myton Crescent and The Malins raising opposition to any use of those residential roads to access the school. The Malins and Myton Crescent experience traffic congestion and parking problems resulting from the drop-off and pick-up associated with Myton School. In response to the objections, it is confirmed by the applicant that access to the school for staff and pupils would be only from Fusiliers Way and not via Myton Crescent and The Malins.
- 5.43 Local residents maintained their objection to the temporary use of The Malins access to implement the biodiversity works, raising concerns of mud on the road, damage to the road surface, increased traffic, noise and disturbance. The applicant subsequently responded to the objections and agreed to implement the habitat and biodiversity enhancement works via Fusiliers Way. A temporary haul road would be provided from Fusiliers Way to access the habitat mitigation area. No alteration has been made to the proposed use of The Malins access for playing field maintenance.
- 5.44 The newly constructed houses at Lavender Close are positioned to the east of the application site and currently overlook a disused field. The boundary with these properties is marked by 2.4 m high close boarded fencing. The proposed car parking area and a proposed access route to serve the Evergreen SEND School to the north of Lavender Close are indicated to be positioned on the south-eastern side of the application site with an indicative distance of some 18 m between the

car parking area and the boundary fences of houses in Lavender Close.

- 5.45 Following a review of the Transport Statement which considered the impact of the proposed school development on the surrounding highway network, the Highway Authority have provided a response of no objection. A planning condition is recommended for the access road from Fusiliers Way to be completed in accordance with standard public highway specification and open to traffic prior to the first occupation of the school.

Environmental Issues

Ecology

- 5.46 The Preliminary Ecological Appraisal (PEA) submitted with the application details that the site is made up of improved neutral grassland, lines of trees and species poor hedgerow. The site offers potential to support species including reptiles, birds, Badgers, Hedgehogs and Great Crested Newts. Three trees were identified within the site as having moderate bat potential.
- 5.47 The indicative landscape plan submitted with the outline application shows the removal of the central tree line in its entirety, except for two common ash trees within the habitat mitigation area which are proposed to be retained. The hedgerow along the eastern boundary is proposed to be partially removed with replacement hedgerow planting proposed to compensate and to provide habitat connectivity in the long term. The full details of the landscaping across the site would be required as part of the reserved matters application. The County Ecologist stated that all species used for planting should ideally be native and locally sourced.
- 5.48 A habitat mitigation area is proposed at the northern area of the site with the creation of a 400 mm high bund to the west of the access from The Malins and a larger bunded area, between 2000 and 1500 mm in height to the east of the maintenance access. Construction of the bund areas would require removal of the existing turf/grass, deposition of materials to create the bunds and replacement of the turf.
- 5.49 A 2.4 m high green weldmesh fence, with ground level apertures to allow movement of wildlife, would be erected to the southern edge of the habitat area to restrict access to the area and reduce disturbance to wildlife from the school playing fields. A mixed native species hedge is proposed to be planted along the western and eastern side of the maintenance access route from The Malins and planted along the southern edge of the habitat area along the line of the proposed fencing.
- 5.50 An outdoor classroom area is proposed to the east of the habitat area, adjacent to the boundary with the neighbouring Evergreen School. Pupils are proposed to be taught in small numbers with supervised access to the habitat area. A sealed surface footpath is proposed within the habitat area

to provide a circular route to enable access for all. In response to a comment from the County Ecologist, the length of the footpath was reduced in an amended detail in order to reduce the impact on the habitat area but would still comply with the education authority requirements for access into the habitat area.

- 5.51 There are considered to be significant benefits to the implementation of the habitat mitigation area prior to the commencement of other works on the application site. The habitat area would provide an enhancement area for ecology in addition to providing a buffer between neighbouring residents to the north of the application site and the school development and playing fields. The early implementation would allow a secure habitat area and buffer to start to establish prior to the works required to create the playing fields and the school buildings. For these reasons the planning application was amended from an outline to a hybrid application seeking full consent to enable those habitat works to be undertaken at the earliest opportunity, and prior to the submission of a reserved matters application.
- 5.52 The first response from the County Ecologist required the submission of an Ecological Impact Assessment (EclA) to support the application prior to determination. The EclA subsequently submitted assessed does not fully consider biodiversity net gain as part of the outline application as it states that biodiversity net gain will be revisited at the reserved matters and detailed design stage and the applicant is looking into offsite mitigation options. There will be a loss of biodiversity as a result of the scheme and the number of units loss and percentage loss will need to be finalised. The County Ecologist recommended that to reduce the loss, consideration should be given to the retention of as many of the existing trees and scrub as possible in the northern habitat area. Full details of the landscaping would be required as part of the reserved matters for the whole red line area of the proposed school development. A further plan has been submitted to provide the landscape scheme for the full application for the habitat mitigation area. A suitably worded condition is proposed to secure the implementation of that scheme (condition 29).
- 5.53 An updated Biodiversity Metric would be required to provide details at the reserved matters stage of the creation and enhancements of on-site and off-site habitats and their long-term management prior to determination of that application to demonstrate how a net biodiversity gain would be achieved to satisfy NPPF and Local Plan policy requirements.
- 5.54 A Landscape and Ecological Management Plan (LEMP) is required for the whole site to include the creation of habitat for protected/notable species and the future long-term management (for 30 years) and monitoring of the site. The County Ecologist welcomed the proposed ecological enhancements including the proposed provision of bat and bird boxes and stated that there is scope for further habitat enhancements for reptiles and amphibians such as log piles/brush

piles and a pond if feasible for health and safety reasons. The enhancements would be secured through the LEMP which would be required by a suitably worded condition (condition 16).

- 5.55 A tree protection plan condition is recommended for both the outline and the full element of the application to protect existing trees against possible root damage and soil compaction during construction. An updated version of the Arboricultural Impact Assessment was submitted prior to determination of the application to provide detail of the location and form of tree protection measures within the full application area. The wording of the recommended planning conditions reflects the details provided (conditions 14 and 27).
- 5.56 A Biodiversity Construction and Environmental Management Plan (CEMP) was submitted with the application which detailed appropriate measures to safeguard species and habitats during site clearance and construction. The CEMP document is largely comprehensive with regards to the implementation of the habitat mitigation area but requires some updating prior to work in the northern area of the application site commencing. A suitably worded condition is recommended (condition 15). A second condition requiring the CEMP for the remainder of the application site is recommended (condition 28).
- 5.57 A planning condition is recommended by the County Ecologist for the details of external lighting to be submitted at reserved matters stage to ensure lighting is designed to be directed away from vegetated areas, that the brightness of any lighting is as low as legally possible and that important foraging areas for bats contain unlit areas (condition 17).

Design and Sustainable Construction

- 5.58 This application is a hybrid application seeking outline consent with all matters except access reserved for future consideration and a full application seeking consent for the creation of the habitat mitigation area. The Design and Access Statement supporting the application does however indicate that a proportionate, efficient and sustainable approach to the fabric of the school building would be employed to accord with Policy CC3 of the Local Plan which requires all non-residential development over 1000 sq. m to achieve as a minimum BREEAM standard 'very good' or a suitable alternative sustainability strategy.

Drainage and Flood Issues

- 5.59 The application site is an undeveloped greenfield area. The ground level of the site is highest at the south with the land sloping down towards the lower ground levels to the north. The site is located in Flood Zone 1 where there is low risk of fluvial flooding. The site is considered to be at very low risk of surface water flooding. The land to the north of the application site including land within the residential

curtilages of The Malins and Myton Crescent is at low risk of surface water flooding. However, concern has been expressed by neighbouring residents of The Malins and Myton Crescent that they have on occasions experienced some surface water flooding.

- 5.60 The Flood Risk Assessment submitted with the application indicates that based on anecdotal evidence, historical mapping and site walkover, it has been determined that the surface water drainage flooding problems experienced at The Malins and Myton Crescent are in part due to changes to and removal of lengths of open ditches draining land in the area.
- 5.61 The proposed drainage strategy for the application site separates the development into three catchments, utilising the existing Severn Trent Water surface water sewer located within The Malins for the northern catchment. The eastern catchment proposes to connect to the Severn Trent Water surface water sewer located on Brittain Lane, by constructing new linkage through the existing school site adjacent to the development. The southern catchment proposes to connect to the private S104 surface water sewer located on Fusiliers Way. The proposed school buildings are indicated to be drained to the foul sewers under Fusiliers Way.
- 5.62 As stated above, comments and objections have been received from neighbouring residents in The Malins and Myton Crescent relating to flooding and drainage issues. One neighbour providing photographic evidence of flooding of theirs and neighbouring properties to the north of the application site as result of a lack of a land drain and following works to the playing field area at the neighbouring Evergreen School site. A request by the residents has been made for the installation of a ditch and a 400 mm high bund within the northern area of the application site to protect the houses north of the site from excess run-off which they state would be increased when the earthmoving works start and vegetation is stripped away, and particularly when parts of the site are levelled for the sports pitches.
- 5.63 The applicant has advised that the proposed works would be undertaken in phases. It would not be the case that the application site would be stripped of vegetation across the extent of the red line area at one time. The first works to be undertaken are proposed to be those of the habitat mitigation area including the creation of the proposed bunds. The planning application was subsequently amended to apply for full permission for the habitat works to ensure those works could be undertaken at the earliest opportunity to enable the planting and ecology to establish and provide a buffer from the area of the site to the south. The implementation of the playing fields by removing vegetation, levelling and altering ground levels would be a later stage once the bunds are in place, giving protection from surface water runoff from the adjacent area while under construction. At the recommendation of the Lead Local Flood Authority (LLFA) a requirement is included in the

condition for a Construction Management Plan for measures to prevent excessive surface water run-off during the construction phase of the development.

- 5.64 The LLFA raised concern that the initial Exceedance Plan indicating the flow of surface water, showed the flow outside of the red line boundary and onto third party land. Concern was also raised that the surface water flow was also able to divert around the bund features and towards nearby properties. Amended plans were submitted indicating the provision of a 400mm high bund to the west of the access from The Malins. The Flood Risk Assessment & Drainage Strategy Addendum provided in April 2023 states that in addition to the proposed bunds, the proposed levels across the pitch areas have been adjusted to create a preferential overland flow route. The proposed bund has been adjusted to contain and deflect exceedance flow that would shed from the pitch areas away from residential properties.
- 5.65 The initial responses from the County Flood Risk Management Team as Lead Local Flood Authority (LLFA) were objections on the grounds of insufficient information including confirmation of an agreement to connect with the neighbouring drainage network. Formal correspondence from Severn Trent and from the adjacent developer, Catesby Estates, was subsequently provided to confirm the connection of foul and surface water drainage to the existing neighbouring facilities.
- 5.66 The LLFA confirmed there is no objection to the proposed development subject to the recommended planning conditions. While the recommended condition required the submission of a detailed surface water drainage scheme for the site as a pre-commencement condition, it was subsequently confirmed that the condition could be re-phrased to allow the habitat mitigation area works to be undertaken prior to the submission of the detailed surface water drainage scheme.

Heritage

- 5.67 The application site is not located within a Conservation Area. The Warwick Conservation Area is located some 600m to the north-west and the Canal Conservation Area some 700m to the north-east. There are no listed buildings in close proximity to the application site. The nearest listed buildings are the grade II dwelling numbered 5 and 7 Myton Crescent which is located 230 m to the north of the red line area and Heathcote Hill Farmhouse a grade II property located some 340 m to the south-west. The application site would not affect the settings of the Conservation Areas or the listed building due to the distance and the intervening mature housing.
- 5.68 Archaeological investigations by trial trenching have been undertaken to evaluate the archaeological potential of the site. The quantity of material recovered is higher than would be typically expected from the normal spreading of waste materials across agricultural fields which

may suggest that there was a focus of activity in this area. As a result the County Archaeologist considers that further archaeological work should be undertaken in order to mitigate any impacts that the proposed development would have on any archaeological features which may survive across this site.

- 5.69 Planning conditions are recommended to secure the appropriate work. The first condition is attached to the outline and recommends the approval of a WSI, a programme of archaeological evaluative fieldwork and an Archaeological Mitigation Strategy prior to the works subject of the outline application across the red line area commencing (condition 7). A second condition, (condition 26) requires the works in the northern area subject of the full application to be carried out in accordance with the Written Scheme of Investigation (WSI).

6. Conclusions

- 6.1 The proposed development is subject of a hybrid planning application for a two form entry primary school and nursery. The outline application seeks consent subject to all matters being reserved with the exception of the access while the full element of the planning application seeks consent for creation of a habitat mitigation area in the northern section of the application site.
- 6.2 The provision of a Primary School in the proposed location accords with policies DS11 and DS12 of the Local Plan and meets the aims of the NPPF to ensure the provision of a sufficient choice of school places available to meet the needs of existing and new communities.
- 6.3 The general location of the school building is indicated in the submitted application and positioned at an acceptable separation distance from neighbouring residential properties including those currently under construction. The design details which will be submitted as part of the reserved matters application would be required to accord with policies BE1 and BE3 of the Local Plan.
- 6.4 The Highway Authority stated no objection and is satisfied that the proposed school development would not have an adverse impact on the highway network as evidenced by the Transport Statement submitted with the application. The detail of the number and the layout of parking spaces which will be submitted with the reserved matters and will be required to accord with Local Plan policy TR3.
- 6.5 The school development is proposed to include the creation of grass playing fields, an artificial grass pitch and a multi-use games area which would be available for use by the community in addition to the school. Sport England stated no objection subject to conditions to ensure the facilities are appropriately constructed and available for community use. The proposed development is considered to accord with policy SC0 of the Local Plan.

- 6.6 The County Council's Flood Risk and Water Management Team as Lead Local Flood Authority (LLFA) advised that based on the information submitted with the application the LLFA has no objection subject to planning conditions. The development would accord with the requirements of policy FW2 of the Local Plan.
- 6.7 The development is considered to be in accordance with the requirements of the NPPF and local policies and is recommended for approval subject to the recommended planning conditions.

7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference WDC/23CC001
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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Application No: WDC/23CC001
Land north of Fusiliers Way, Warwick
Outline application for proposed Primary School and Nursery all matters reserved
apart from access and landscaping

Regulatory Committee 06 June 2023
 Scale 1:2500 Drawn by: SP Dept: Communities

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Appendix B.

Outline planning permission with all matters reserved apart from access, for the development of a new 2 Form Entry Primary School and 34 Full Time Equivalent place Nursery with associated external areas, access and parking on land north of Fusiliers Way and directly south and southwest of Evergreen SEN School, Warwick and full planning permission for the creation of habitat mitigation area

WDC/23CC001

Outline Application Planning Conditions.

Time Limits

1. Before the commencement of development, full details of the following reserved matters shall be submitted to and approved in writing by the County Planning Authority:
 - a) Appearance
 - b) Layout
 - c) Scale
 - d) Landscaping and hard surfacing

Reason: To ensure submission of detailed schemes.

2. Applications for approval of the reserved matters shall be made to the County Planning Authority before the expiration of three years from the date of this permission and the development begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

Reserved Matters Details

3. The reserved matters submissions shall be substantially in accordance with the following drawings and plans: 4332-01 Rev C and 4332-105 Rev I.

Reason: In order that the development generally complies with the approved plans to ensure the development is in keeping with the character and appearance of the area, protects the amenities of local residents and to secure a high quality and sustainable form of development.

4. The reserved matters to be submitted in accordance with condition 1 shall include details of all earthworks and the finished floor levels of buildings and levels of playing field and sporting facilities together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings.

Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent buildings.

5. All Reserved Matters applications submitted pursuant to this permission shall be designed to the principles of the "Secured by Design NEW Schools 2014" standards adopted by Warwickshire Police.

Reason: In order to minimise crime and disorder on the site.

Pre-Commencement Conditions

6. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority.

The Construction Management Plan shall include but not be limited to details of:

- (i) Measures to prevent excessive surface water runoff during the construction phase.
- (ii) any temporary measures required to manage traffic during construction,
- (iii) plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction,
- (iv) dust management and suppression measures,
- (v) odour management and suppression measures
- (vi) demolition or clearance works,
- (vii) Measures to ensure no mud/debris shall be deposited on the adopted highway including details of wheel washing,
- (viii) 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;

- (ix) Concrete crusher if required or alternative procedure;
- (x) delivery times,
- (xi) site lighting,
- (xii) Access and protection arrangements around the site for pedestrians, cyclists and other road users,
- (xiii) restrictions on burning and details of all temporary contractors buildings,
- (xiv) plant and storage of materials associated with the development process.'
- (xv) External safety and information signing notices,
- (xvi) Complaints procedures, including complaints response procedures and dedicated points of contact
- (xvii) Membership of the considerate contractors scheme
- (xviii) Best practicable means shall be employed at all times to control noise and dust on the site including:
 - 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.
 - 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.

All development shall take place in accordance with the approved Construction management Plan unless formally agreed in writing by the County Planning Authority.

Reason: To minimise the impact of construction upon local residents, users of the highway and the local environment.

7. The development hereby permitted shall not commence until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the County Planning Authority.
 - b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the County Planning Authority.
 - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the County Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with the approved documents.

Reason: To protect and record features of archaeological importance.

8. The development hereby permitted shall not commence until a Low Emission Strategy in compliance with the Warwick District Council Air Quality Supplementary Planning Document has been submitted to and approved in writing by the County Planning Authority. The approved strategy shall be implemented in full prior to the occupation of the development and shall not be altered in any way without the express written agreement of the County Planning Authority.

Reason: In the interests of public safety and amenity in accordance with Local Plan Policy TR2. (For guidance to discharge this condition, see notes from Warwick District Council Environmental Health Officer below).

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

Reason: In the interests of public safety and the protection of emergency firefighters.

10. The development hereby permitted shall not commence until a schedule of all external finish materials to be used on the exterior of the buildings hereby permitted shall be submitted to and approved in writing by the County Planning Authority. The development shall then be carried out in accordance with the details (or any variation) so approved.

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

11. The development hereby permitted shall not commence until a detailed landscape scheme has been submitted and approved by the County Planning Authority. The approved scheme shall not be amended in any form without express consent of the County Planning Authority.

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

12. No development shall take place unless and until:
 - a. A detailed assessment of ground conditions of the land proposed for the new playing field land as shown on drawing number 4332-105 Rev I shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and

- b. Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the County Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the County Planning Authority after consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Local Plan Policy SC0.

13. No development shall commence until details of the design and layout of artificial mini soccer pitch have been submitted to and approved in writing by the County Planning Authority after consultation with Sport England. The artificial mini soccer pitch shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Local Plan Policy SC0.

14. No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the County Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the County Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

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

15. The development hereby approved shall not commence (including demolition, ground works and vegetation clearance) until a Construction and Environmental Management Plan (CEMP) (Biodiversity) has been submitted to and approved in writing by the County Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that protected species are not harmed by the development. (The details of the requirements to discharge the CEMP condition are set out in the Ecology notes below).

16. The development hereby approved shall not commence until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the County Planning Authority. The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure a net biodiversity gain in accordance with NPPF. (The details of the requirements to discharge the LEMP condition are set out in the Ecology notes below).

17. No development shall take place until a detailed lighting scheme has been submitted to and approved in writing by the County Planning Authority.

Reason: In the interest of the amenity of the area and to ensure that protected species and habitats to be retained are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005. (Details required to discharge this planning condition are set out in Ecology notes below)

18. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and the approved Flood Risk Assessment (Flood Risk Assessment and Drainage Strategy February 2023 Revision 2) 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. The scheme to be submitted shall:

1. 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 QBar Greenfield runoff rate of 7.5l/s for the site in line with the approved Flood Risk Assessment (Flood Risk Assessment and Drainage Strategy February 2023 Revision 2).
2. Where the drainage scheme proposes to connect into a 3rd party asset, for example a public sewer, further information should be provided regarding the ownership, purpose, location and condition of this asset along with confirmation of the right to connect into it. This could take the form of land ownership plans showing riparian ownership, land drainage consent, flood risk activity permit or agreement under Section 106 of the Water Industry Act (1991).
3. 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.
4. Provide detail drawings including cross sections, of proposed features such as 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.
5. 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.
 6. Provide plans such as external levels plans, supporting the exceedance and overland flow routing 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.
 - 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.

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

19. No development shall commence unless and until a scheme ("the scheme") to ensure that there is biodiversity net gain as a result of the development has been submitted to and agreed in writing by the County Planning Authority. The net biodiversity impact of the development shall be measured in accordance with a revised DEFRA biodiversity metric for the wider application area (whole application site including full application) and the scheme shall include:
 1. Proposals for on-site mitigation and/or for off-site offsetting;
 2. A methodology for the identification of any receptor site(s) for offsetting measures;
 3. The identification of any such receptor site(s);
 4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and

5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures for no less than 30 years).

The written approval of the County Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

Reason: To ensure that the development results in a biodiversity net gain in accordance with NPPF.

Prior to Occupation

20. Prior to the first occupation of the development hereby permitted, the proposed access and visibility splays as indicatively shown on the submitted Drawing 24321-01b (or as amended by Road Safety Audit or Detailed Design) must be complete and open to traffic. The development shall not be brought into use until the access has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.

Reason: In the interests of highway safety.

21. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the County Planning Authority, and a copy of the completed approved agreement has been provided to the County Planning Authority. The agreement shall apply to the sports fields, artificial grass pitch and Multi Use Games Area (MuGA) and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Local Plan Policy SC0.

22. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (Flood Risk Assessment and Drainage Strategy February 2023 Revision 2) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:
 1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
 2. Any As-Built Drawings and accompanying photos
 3. Results of any performance testing undertaken as a part of the application process (if required / necessary)

4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

23. No occupation or use of the development shall take place until a detailed, site-specific maintenance plan is provided in writing to the County Planning Authority. The maintenance plan should:
1. Provide the name of the party responsible, including contact name, address, email address and phone number.
 2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
 3. Provide details on how each surface water relevant feature shall be maintained and managed for the lifetime of the development.
 4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

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

Full Planning Application Conditions

Commencement Date

24. 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.

General Operations

25. The development hereby approved shall be carried out in accordance with drawings numbered: 4332-01 Rev C, 4332-105 Rev I, 4332-106 Rev B, 4332-107 Rev BD 4332-108 Rev A and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to ensure a satisfactory standard of development and to secure the ecological and biodiversity enhancements.

26. The programme of archaeological work, including fieldwork, associated post-excavation analysis, publication of results and archive deposition, detailed in the Archaeology Warwickshire document titled 'Myton Gardens Habitat Area, Myton Road, Warwick. Written Scheme of Investigation. Archaeological Watching Brief. Version 2', shall be undertaken.

Reason: To protect and record features of archaeological importance.

27. The development hereby approved shall be carried out in accordance with the tree protection measures detailed on drawing 230523 1543 TPP V2 and Appendix 7 of the Arboricultural Impact Assessment Rev 1 prepared by Wharton Natural Infrastructure Consultants dated 25 May 2023. 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 County Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

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

28. The development hereby permitted shall be implemented in accordance with the Myton Gardens Primary School Biodiversity Construction Environmental Management Plan (CEMP) - Project Number 2484100 dated May 2023. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the County Planning Authority.

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

29. The development hereby permitted shall be implemented in accordance with the Landscape and Planting Plan detailed on drawing number LP2355-FIR-ZZ-XX-DR-L-5001 P01 before the end of the current or first available planting season following practical completion of the development hereby permitted. Any such trees that are removed, die or become seriously damaged or defective within five years of planting shall be replaced with specimens of a similar size and species as originally required.

Reason: To ensure the provision of the amenity afforded by trees in respect of the proposed development.

Development plan policies relevant to this decision:

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

Policy DS5 Presumption in Favour of Sustainable Development
Policy SC0 Sustainable Communities
Policy DS11 Allocated Housing Sites

Policy DS12 Allocation of Land for Education
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

Notes:

Ecology

1. In discharging condition 15 for a Construction and Environmental Management Plan (Biodiversity) (CEMP) for the outline application area shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

2. In discharging condition 16 (LEMP)

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.

- i) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

3. In discharging condition 17 (lighting) the County Planning Authority expects lighting to be restricted around the site boundary trees/hedgerows, bat roosts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. 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

Highway Authority

Condition 20 (full layout and construction) requires work to be carried out within the limits of the public highway.

In terms of design guidance this is carried out in conjunction with the County Road Construction Strategy 2022 on our website as referred to on the opening page. Please see below link:

<https://api.warwickshire.gov.uk/documents/WCCC-770-261>

Before commencing such works the developer must enter into a Highway Works Agreement with the Highway Authority under the provisions of Section 184 of the Highways Act 1980. Application to enter into such an agreement should be made to the Planning & Development Group, Communities Group, Warwickshire County Council, Shire Hall Post Room, Warwick, CV34 4SX or by email to: s38admin@warwickshire.gov.uk

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 developer must familiarise themselves with the notice requirements, failure to do so could lead to prosecution.

Applications should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP or by email to: streetworks@warwickshire.gov.uk

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.

Section 39 of the Road Traffic Act 1988 requires local authorities to take such measures as appear to the Authority to be appropriate to reduce the possibilities of accidents when new or improved roads come into use. In submitting plans for the approval of reserved matters the applicant is advised that an independent stage 1 Road Safety Audit of the proposals must be provided to satisfy the requirements of the Act.

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

Warwick District Council Environmental Health Officer

Warwick District Council has adopted an Air Quality Supplementary Planning Document (SPD). The applicant is required by condition 8 to produce a Low Emission Strategy in compliance with the SPD guidance for approval prior to commencement of the development. The Low Emission Strategy guidance establishes the principle of Warwick District as an 'Emission Reduction Area' and requires developers to use 'reasonable endeavours' to minimise emissions and, where necessary, off set the impact of development on the environment. Under the guidance the proposed school development is classified as a Medium scheme because it meets DfT Threshold Criteria for a Transport Assessment, as such the developer is required to offer Type 1, and 2 mitigation from the SPD guidance to make the scheme acceptable. As explained in the guidance, electric vehicle (EV) recharging provision is required for 10% of the parking spaces provided in the development (this may be phased with 5% provision initially and a further 5% trigger). The guidance sets out a range of locally specific measures to be used to minimise and/or off set the emissions from new development, however these are suggestions and other innovative ideas are encouraged.

Warwickshire Fire and Rescue Service criteria:

as required by 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.

The applicant's attention is drawn to the need for the development to comply with Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service.

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

Our ref: 00/038107/GA0063/MH
Warwickshire Fire & Rescue Service
Fire Protection Department Service HQ, Warwick Street, Leamington Spa, CV32 5LH. Tel: 01926 466 263
firesafety@warwickshire.gov.uk
www.warwickshire.gov.uk

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.

Sports England

- (i) Sport England advises that the artificial pitch should be constructed in accordance with Sport England's Artificial Surfaces for Outdoor Sport Design Guidance Note and should the pitch be utilised for school football matches it would need to be tested to enable it to be placed on the FA's 3G pitch register.
- (ii) In relation to the natural turf pitches Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented.

Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport.'

- (iii) The applicant is advised that the design and layout of the artificial mini soccer pitch should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to: Sport England's Artificial Surfaces for Outdoor Sport Design Guidance Note
<https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/artificial-surfaces-for-outdoor-sports-2013.pdf>
- (iv) Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/Rugby Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

Warwickshire Police

Building sites and in particular, site offices and storage areas are becoming common targets for crimes such as theft of plant and fuel. These sites should be made as secure as possible. All plant and machinery should be stored in a secure area. Tools and equipment should be marked in such a way that they are easily identifiable to the company. Consideration should be given to the use of security patrols.

Developers are now requested to inform the local Safer Neighbourhood Policing Team, which covers the area of the development that they have arrived on site and provide contact numbers of the site manager for use in the case of an emergency. A grid reference for the site should be provided. This will help to reduce the possibilities of a delayed response.

Lead Local Flood Authority

Any Construction Environmental Management Plan (CEMP) for the application site should include measures to prevent excessive surface water runoff during the construction phase. CIRIA Report C768 provides guidance on the construction of SuDS, however this document is also beneficial as it highlights site soil management to ensure exceedance flows do not impact third party land and nearby properties.

Informatives for the next stage of design

As outlined within condition 18, 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.

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 DS11: Allocated Housing Sites
Policy DS12: Allocation of Land for Education
Policy BE1: Layout and Design
Policy BE3: Amenity
Policy TR1: Access and Choice
Policy TR3: Parking
Policy HS7: Crime Prevention
Policy CC1: Planning for Climate Change Adaptation
Policy CC3: Buildings Standards and other Sustainability Requirements
Policy FW1: Reducing Flood Risk
Policy FW2: Sustainable Drainage
Policy NE3: Biodiversity

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

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

Regulatory Committee

6 June 2023

**New fire rescue training centre including 'hot smoke house' Minerva fire simulation training facility and welfare building, on site parking, road way, fencing, planting,
Warwickshire County Council owned land, Paynes Lane former Land & Chippings site, Paynes Lane, Rugby, CV21 2UH.**

RBC/22CC007

Application No.: RBC/22CC007

Advertised date: 22/02/2023

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

Agent: Mr Lee Jones
Warwickshire County Council
Assistant Director for Enabling Services
Warwickshire County Council
Shire Hall Post Room
Northgate Street
Warwick
CV34 4SP

Registered by: The Strategic Director for Communities on 29 November 2022

Proposal: Construction of a new fire rescue training centre including a 'hot smoke house' Minerva fire simulation training facility, a welfare building, on site parking, road way, fencing, and planting.

Site & location: Warwickshire County Council owned land, Paynes Lane former Land & Chippings site, Paynes Lane, Rugby, CV21 2UH. [Grid ref: 448793, 275471].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the construction of a new fire rescue training centre including a 'hot smoke house' Minerva fire simulation training facility, a welfare building, onsite parking, roadway, fencing, and planting, 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 This application seeks planning permission for the use of land at Paynes Lane, Rugby, as a fire training centre. The application proposes the construction of a "fire house" located in the centre of the site, a filtration section adjacent to it, and a two storey welfare building in the north eastern corner of the site. A row of 14 car parking spaces (including 1 disabled bay) would be constructed along the south eastern site boundary. Two of the bays would be fitted with EV charging stations. A motorcycle parking bay would be located to the north of the welfare building. An internal road would loop around the fire house and filtration building.
- 1.2 The fire house in the centre of the site would be constructed from adapted shipping containers which would be combined to form a building with a footprint of approximately 12 m by 21 m, the central part of which would consist of containers stacked three to four levels high, giving a maximum height of approximately 12 metres.
- 1.3 The ground floor and tower would be coloured RAL 7024 Graphite Grey and the upper floors RAL 7083 Agate Grey.
- 1.4 Attached to the south side of the fire house would be a filtration unit comprising a rectangular container at its base and a cylindrical tank above it. The filtration unit would measure approximately 5 m x 12 m with a height of approximately 12 metres and be connected to the main fire house structure by a horizontal duct approximately 10 metres above ground.
- 1.5 The proposed training welfare building would measure approx. 9 m x 22 m with a single-pitch roof with a maximum height of 5.4 m at the rear (eastern) elevation, rising to 6.2 m at the front (western) elevation. The external walls would be finished in mid-grey composite cladding at ground floor level and solid white render/cladding panels above. The

roof would be finished in grey coloured metal composite material with standing seams. Windows, doors and gutters/downpipes would consist of anthracite grey powder coated aluminium.

- 1.6 The ground floor of the training welfare building would contain changing rooms, showers, toilets and storage and drying rooms for equipment. On the first floor there would be an office/meeting room, a training room, and a kitchenette.
- 1.7 The site would be accessed via the existing access point on Paynes Lane in the south west corner of the site.
- 1.8 The perimeter of the site is currently enclosed by a 2.5 metre high galvanised steel palisade security fence, which would be retained. The proposals initially included a 5.0 metre high close boarded timber security fence surrounding the site. However, this element of the proposal was removed in response to concerns over its visual appearance.
- 1.9 The proposed facility would be used in a number of ways. The fire house would be used for training involving “hot fire” scenarios, such as entering a building on fire or filled with smoke, breathing apparatus training, multi-pump exercises, collaboration between Police and fire services or partnership working with other fire services, and training for retained firefighters. Some elements of the training would be undertaken in the training and meeting room located in the welfare building.
- 1.10 Given the number of different courses that need to be run in order to satisfy the statutory training requirements for the fire service, the facility would be used on approximately 194 days per annum. Daytime training sessions would take place between 0800 and 1800 hours, evening sessions would last from 1800 to 2200 hours. Daytime and evening sessions may take place on the same day or on separate days.
- 1.11 During training exercises, the facility would be used by a maximum of 6 instructors plus 12 trainees and 2 officers for each training session.
- 1.12 The training sessions would involve fires being lit inside the fire house in order to simulate realistic scenarios. The emissions and smoke produced by such fires would be captured by means of collection hoods above all exit points, i.e. doors and windows. The emissions are then drawn upwards through the hoods and via interconnecting ductwork to the filtration plant on the south side of the building, where particles and gases are scrubbed before the clean air is released from the fan outlet stack.

2. Consultation

- 2.1 **Rugby Borough Council – Planning:** No response received.
- 2.2 **Rugby Borough Council – Environmental Health Officer:** No response received.
- 2.3 **WCC Highways:** Comments that the use as described within the provided details would not be considered to result in a significant increase in vehicular movements to/from the site. The site would not be used everyday and the days where the site would be in use would not be used intensively with a maximum of 20 visitors on-site at any time. As a worst case all 20 could arrive in separate vehicles however it is noted that the crews are likely to arrive in a fire appliance vehicle. It is also likely that all vehicles would arrive/depart at similar times so conflict between two-way vehicles could be unlikely around the access.
- 2.4 It is further noted that the site could be used for alternate purposes within the D1/F1 use class. The Highway Authority therefore recommends a planning condition limiting the site to be used only by the Warwickshire Fire and Rescue Service, or a condition preventing an alternate use within those use classes, as any alternate uses could significantly increase the number of vehicular movements to the site. Based on the appraisal of the development proposals and the supporting information in the planning application the Highway Authority has no objection.
- 2.5 **County Archaeologist:** No response received.
- 2.6 **County Ecologist:** Notes that the application site was surveyed in August 2021 which is an appropriate time of year. Although the survey was undertaken approx. 18 months ago, as the habitats within the site are relatively common and the site is largely hardstanding, the age of the survey data is acceptable. The site comprises largely developed land with mixed scrub around the site boundaries. The scrub and bramble scrub is suitable nesting bird habitat, and provides opportunities for notable species such as hedgehog.
- 2.7 In light of the scale of the proposals and the existing habitats on site, a Biodiversity Impact Assessment/Biodiversity Net Gain assessment is not considered necessary for this application. However, in order for the proposals to result in no net loss to biodiversity, removal of the existing scrub should be kept to the minimum required. Compensation planting is indicated on the plans. The Proposed Site Layout Plan (Oct 22) shows 'New trees/shrubs and landscaping' along the south and west boundary of the site. The tree and shrub species to be planted should comprise of native species only, which are of far higher biodiversity value than non-native species. The species should be characteristic of the local landscape guidelines. It is recommended that a detailed

landscape plan should be secured by condition to ensure that the proposed planting scheme is appropriate.

- 2.8 The County Ecologist agrees with the recommendations of the report, which provides recommendations for safeguarding of protected and notable species (nesting birds, reptiles, hedgehog) during site clearance and construction. Such details should be provided in a Construction Environmental Management Plan written by a suitably qualified ecologist in accordance with the British Standards for Biodiversity BS 42020:2013.
- 2.9 The County Ecologist has no objections to the proposal, subject to conditions requiring the submission of a Construction Environmental Management Plan (CEMP), which should include pre-commencement checks for breeding birds, reptiles and hedgehog and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site, and the submission of a combined ecological and landscaping scheme.
- 2.10 **Landscape Architect:** No objection. Notes that the maximum height of the new buildings is approximately 13 m and that the third and fourth floors would be visible from the road, adjacent footways and the public right of way 33/RB15/1 - 333/RB15/2. The site would be in operation during evenings and would include floodlighting. The development would also include a 5m high solid security fence which would be visible above the planted saplings which range from 2.5-3.5m in height.
- 2.11 It is assumed that the maturing deciduous and evergreen roadside trees fronting onto the A428 Lawford Road and the A4071 Rugby Western Relief Road which currently help to screen the site would not be affected by the proposed development. To what extent will the existing boundary vegetation comprising planted saplings and mixed scrub be retained?
- 2.12 The Proposed Layout Plan indicates the planting of trees and shrubs. It is presumed that the latter would be hedges since these are referenced in the Design and Access Statement. This planting would be along the road frontage with the Paynes Lane entrance into the industrial estate and along the western edge of the site but seems to comprise a single row of trees. It would be helpful if details of the actual planting areas, species and size of plants at the time of planting could be provided to understand the level of screening/filtering of views that would be provided in the short to medium term. Further details should be provided on the proposed tree and hedge/shrub species and height at planting. It would be preferable to specify a flowering lawn mix with scattered drifts of native bulbs as opposed to just grassed areas to add interest and potential wildlife value.

- 2.13 **Warwickshire Fire & Rescue Service:** No objection, subject to the standard criteria for access to the site as set out in standard response letter FPP2 being met.
- 2.14 **Environment Agency:** No response received.
- 2.15 **Severn Trent Water:** No response received.
- 2.16 **Cadent Gas – Plant Protection:** No response received.
- 2.17 **Planning Policy Team:** No response received.
- 2.18 **Cllr Peter Butlin:** No response received.
- 2.19 **Cllr Sarah Feeney:** No response received.
- 2.20 **Cllr Barbara Brown:** No response received.

3. Publicity

- 3.1 Four site notices were displayed on 22 February 2023, at the entrance to the site on Paynes Lane, at the junction of Lawford Road and Paynes Lane, on a lamppost at the junction of Lawford Road and the A4071, and one to the south of the site on the A4071, at the public footpath leading to Paynes Lane.
- 3.2 7 businesses and 12 residential properties on roads surrounding the site (Paynes Lane, Lawford Road, Upton Road and Lawford Bridge Close) were individually notified on 22 February 2023.
- 3.3 A press advert was published in the Rugby Advertiser on 23 February 2023.
- 3.4 No representations were received.

4. Previous Planning History

- 4.1 In the 1950s, part of the site was occupied by a grain silo building. Aerial photographs taken in 1999 show the site to be vacant and disused. During the construction of the Rugby Western Relief Road in 2009, the site contained the contractor's welfare and site office accommodation.
- 4.2 Aerial photographs since 2010 show the temporary buildings associated with the Relief Road construction removed; the hardstanding areas retained on the site and the whole application area used for the storage of road chippings. While there was no approved use for the land in the planning record, the use of the site for the

storage of road chippings, which would fall within a B8 storage use, appears to have been an established use for over 10 years.

- 4.3 In June 2020, planning permission for the use of the site as a Highways depot was granted under reference RBC/19CC009. However, this use ceased in 2021 and the site is currently vacant.

5. Assessment and Observations

Site and Surroundings

- 5.1 The application site is approximately 0.4 hectares in area, located some 1.5 km to the west of Rugby town centre. The northern boundary of the site is marked by the A428 Lawford Road with the Rugby Cement Works to the north. The signalised junction of the A4071 Rugby Western Relief Road / A428 Lawford Road is to the northeast of the application site. Residential properties are within 170 metres of the application site, the closest being the four storey flats northeast of the junction of Lawford Road and A4071 and the two storey terrace houses further east along Lawford Road.
- 5.2 Land to the east and south of the application site and south of the A428/A4071 junction is occupied by commercial units, while the area to the west of the site is predominantly occupied by light industrial and commercial buildings and a sewage pumping station operated by Severn Trent Water Ltd. Public Right of Way 333/RB15/2 runs to the west of the pumping station and connects Paynes Lane with the A4071 Rugby Western Relief Road.
- 5.3 The application site is enclosed by a steel palisade fence approximately 2 metres in height, with access gates on the southern boundary adjacent to the Severn Trent pumping station. The access drive rises steeply from Paynes Lane into the site. The ground within the application site is predominantly level, rising only slightly from the southern entrance towards the northern side of the site. The area is hard surfaced with large areas of tarmac and areas of loose stone chippings. Along the internal boundaries of the site are areas of scrub vegetation including buddleia and a willow tree close to the entrance to the site.
- 5.4 To the north of the northern boundary fence and beyond the fence along the south-eastern boundary is an area of landscaping some 6 metres in width. The strip of land is planted with young / semi-mature trees which provide a screen of views into the site from the surrounding area. This landscaped area is not within the application area.

Planning Policy

National Planning Policy

5.5 **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.

5.6 **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.

5.7 **Paragraph 48** explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.

5.8 In this case, there is a development plan in place which has relevant policies that are considered to be up-to-date so far as they relate to this proposal. Therefore, the application should be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies, unless material considerations indicate otherwise. The Development Plan relevant to the proposal consists of the Rugby Borough Council Local Plan 2011 - 2031 (adopted June 2019).

- 5.9 The courts have made it clear that for the purposes of Section 38(6) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy in the plan. It is a matter of judgement for the Committee whether the proposal accords with the plan, considered as a whole, bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach.

National Planning Policy Framework

- 5.10 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 82** of the NPPF states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 5.12 **Paragraph 109** of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.13 **Paragraph 155** of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
- 5.14 **Paragraph 163** of the NPPF advises that when determining any planning application, 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.
- 5.15 **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.
- 5.16 **Chapter 15** of the NPPF relates to conserving and enhancing the natural environment, requiring that planning decisions should contribute to and enhance the natural and local environment by means including ensuring they minimise impacts on and provide net gains for biodiversity and prevent new and existing development from

contributing to unacceptable levels of soil, air, water or noise pollution or land instability.

- 5.17 **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.
- 5.18 **Paragraph 183** of the NPPF states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

The Development Plan

Rugby Borough Local Plan 2011-2031 (adopted June 2019).

- 5.19 **Policy GP2 – Settlement Hierarchy:** states that development will be allocated and supported in accordance with the following Settlement Hierarchy, as defined on the Policies Map: Rugby Town – Main focus for all development in the Borough.
- 5.20 **Policy ED2 – Employment Development Within Rugby Urban Area:** New employment development within use classes B1(b), B1(c), B2 and B8 will be permitted within the urban area boundary, including new land within an amended urban area boundary following new allocations made in this Local Plan. Any such developments will be subject to compliance with all other relevant policies in the Local Plan and national policy. Applicants will be required to demonstrate that any potential impacts on neighbouring land uses, particularly those especially sensitive to noise, visual amenity or air quality impacts arising from industrial uses are avoided, or where this is not possible, mitigated to an acceptable level.
- 5.21 **Policy HS5 – Traffic Generation and Air Quality, Noise and Vibration:** Requires development proposals to minimise the impact on air quality, noise and vibration caused by traffic generation.
- 5.22 **Policy NE1 – Protecting Designated Biodiversity and Geodiversity Assets:** The Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity as set out below. Development will be expected to deliver a net gain in biodiversity and be in accordance with the mitigation hierarchy below. Planning permission will be refused if significant harm resulting from development affecting biodiversity cannot be:
- Avoided, and where this is not possible;
 - Mitigated, and if it cannot be fully mitigated, as a last resort;
 - Compensated for.

- 5.23 **Policy SDC1 – Sustainable Design:** All development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are located. Factors including the massing, height, landscape, layout, materials and access should also be a key consideration in the determination of planning applications. Proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 5.24 **Policy SDC3 – Protecting and Enhancing the Historic Environment:** Requires that development affecting the significance of a designated or non-designated heritage asset and its setting will be expected to preserve or enhance its significance.
- 5.25 **Policy SDC4 – Sustainable Buildings:** All non-residential development over 1000 sqm should aim to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) unless it can be demonstrated that it is financially unviable.
- 5.26 **Policy SDC6 – Sustainable Drainage:** Sustainable Drainage Systems (SuDS) are required in all major developments and all development in flood zones 2 and 3. An acceptable means of surface water disposal should be provided preferably on-site or, where this is not possible, close to the site, which does not increase the risk of flooding or give rise to environmental problems and improves on the current situation.
- 5.27 **Policy SDC7 – Protection of the Water Environment and Water Supply:** Developers will be expected to ensure that there is adequate water supply to serve existing and proposed development by means including ensuring development is in accordance with the Water Framework Directive Objectives and does not adversely affect the waterbodies' ability to reach good status or potential as set out in the River Severn 'River Basin Management Plan' (RBMP). Development will not be permitted where proposals have a negative impact on water quality, either directly through pollution of surface or ground water, or directly through the overloading of Wastewater Treatment Works.
- 5.28 **Policy D1 – Transport:** requires that all large scale developments which result in significant traffic movements, should be supported by a Transport Assessment and where necessary a Travel Plan, to demonstrate practical and effective measures be taken to mitigate the adverse impacts of traffic.
- 5.29 **Policy D2 – Parking Facilities:** Planning permission will only be granted for development incorporating adequate and satisfactory parking facilities including provision for motorcycles and for people with disabilities based on the Rugby Borough Council's Parking Standards.

Planning Policy Review

- 5.30 The proposed construction of a fire house and training facility are supported by policies contained in the NPPF and the development plan, particularly with regard to settlement hierarchy and employment development. 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

- 5.31 The application site is within the Urban Edge of Rugby as defined in the Rugby Borough Local Plan Urban Policies Map 2019, and adjacent to, but not falling within, an Employment Site to which Policy ED1 applies.
- 5.32 The application site is an open area which is currently disused but has been used for the storage of road chippings and as a Highway depot until 2021. It is surrounded by a landscaped area planted with trees. The character of the wider area on this western edge of Rugby is largely industrial, dissected by the road network and the wide expanse of highway at the intersection of the A428 and the A4071 Rugby Relief Road. The tall structures of the Cemex cement plant are located to the north of the application site and are the dominating buildings in the area surrounding the site.
- 5.33 The proposed development, with the erection of the fire house at 12-13 metres in height and the welfare building at up to 6.2 metres in height would have an impact on the open appearance of the site and the character of the area surrounding the application site, introducing not insubstantial built structures to the southern side of Lawford Road (A428), opposite the Cemex plant.
- 5.34 The positioning and layout of the proposed buildings and structures, with the tallest elements in the centre of the site and the rear elevation of the welfare building (which is slightly lower than the front) oriented towards the perimeter of the site would reduce the impact of the development on the wider area.
- 5.35 Views of the site are largely seen from the neighbouring road network or from the nearby industrial and commercial properties. The residential dwellings, particularly the flats some 170 metres to the east, would have a limited view of the taller structures of the site and would

not be impacted by any overlooking or overshadowing as a result of the development.

- 5.36 The proposal as originally submitted included the construction of a 5 metre high close boarded timber security fence at the perimeter of the site. However, following concerns over its visual impact, this element of the proposal has been removed. As a result, the visual appearance of the site would only be mitigated by the existing landscaping outside the south eastern and northern boundaries and any additional landscaping along the western boundary. However, given the character of the surrounding area, which is largely in industrial and commercial use, it is considered that this would be more appropriate than a close boarded fence of substantial height, which would look incongruous and out of place.
- 5.37 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. While the fire house is of a purely functional design (more of a technical structure than a “building” in the closer definition of the word), the adjacent welfare building is of modern design and appearance. It is considered that the scale and design of the buildings and structures on the site and the proposed materials would be acceptable both in the street scene and in the setting of the site when viewed in the context of the largely light industrial buildings surrounding the site and against the backdrop of the Rugby Cement plant on the north side of Lawford Road.
- 5.38 Policy SDC1 of the Local Plan relates to sustainable design, requiring that new development responds to the character of the area in terms of the scale, design and density. In addition, the policy requires that proposals for new development ensure that the living conditions of existing and future neighbouring occupiers are safeguarded. It is considered that while the development would have some impact on the appearance of the area, when seen in the context of the nearby industrial buildings the appearance would not be out of character or detrimental to a degree that would warrant a recommendation of refusal. In addition, there would be no adverse impact on the amenity of the closest residential dwellings. For these reasons the development is considered to accord with Policy SDC1 and the NPPF.

Highway Issues

- 5.39 The proposed development would be accessed via the existing site access on Paynes Lane, south of its junction with A428 Lawford Road. An assessment of available road traffic accident data in the vicinity of the application site notes that the recorded collisions are spread out across the wider area and concludes that there is no accident blackspot near the site.

- 5.40 It is considered the site is accessible by sustainable modes of transport. The surrounding area exhibits good levels of pedestrian and cycling infrastructure, and there are a number of public transport opportunities within acceptable walking distance of the site. In order to comply with Rugby Borough Local Plan Policy D2 – Parking Facilities, the provision of a number of cycle parking spaces would be required. Should planning permission be granted, it would be subject to a condition requiring the provision of cycle parking facilities on site, at a location to be confirmed.
- 5.41 The number of vehicle movements associated with the proposed development would not have a perceptible impact on the surrounding highway network from the perspective of both highway capacity and safety. The Highway Authority has no objection to the proposal. Consequently the proposed development is considered to be acceptable in terms of highways and traffic impact, subject to a condition restricting the use of the site to Warwickshire Fire and Rescue Service.

Ecology

- 5.42 There are no Sites of Special Scientific Interest (SSSI) or Local Nature Reserves (LNR) in close proximity of the application site, the nearest being Draycote Meadows SSSI (5.6 km southwest), Cave's Inn Pits SSSI (6.2 km northeast) and Newbold Quarry Park LNR (1.3 km to the north). There are three non-statutory designated sites within 1 km of the site boundary, these being the River Avon and Tributaries Local Wildlife Site (LWS), 211 m west of the application site, Parkfield Road Quarry LWS, 360m northeast, and Malpass Quarry LWS, 408 m to the north.
- 5.43 The Preliminary Ecological Appraisal submitted in support of the planning application details the surveys undertaken to determine the presence of protected species within the site. The impact of the proposed development on the environment has been assessed through a desk assessment and a field study. The assessment concludes that the potential for significant adverse effects of the proposed development of this site on the SSSIs and LNR is negligible, owing to the distance from the proposed development, and the fact that all sites, including the local wildlife sites, are designated for habitats and species unlikely to be found within the application site boundary.
- 5.44 The County Ecologist agrees with the findings of the Preliminary Ecological Appraisal and has no objections to the proposal, subject to conditions requiring the submission of a Construction Environmental Management Plan (CEMP) and the submission of a combined ecological and landscaping scheme.

- 5.45 The proposed development would be acceptable in environmental terms. Should planning permission be granted it would be subject to conditions requiring the submission of this information.

Heritage

- 5.46 There are no listed buildings within close proximity to the application site, the nearest being Grade II dwellings in Bilton Road about 1.15 km to the south east. The application site is not within or adjacent to a Conservation Area, the nearest being Bilton Road Conservation Area 1.15 km 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 Warwickshire Fire and Rescue Service has a statutory duty to provide training for its staff. Currently, such training is provided by external suppliers, however, the use of an in-house facility would lead to cost reductions in the medium term. There is therefore an identified case of need for a training facility.
- 6.2 The proposed development would be located in an area characterised by light industrial and other employment uses. The nearest residential properties are approximately 170 metres away. The hours of use of the facility would be controlled by a planning condition. The proposal is therefore considered not to have an unacceptable impact on the amenities of local residents.
- 6.3 The Highway Authority stated no objection to the proposed development subject to a condition restricting the use of the site to that proposed by the application. The proposed car parking provision would be appropriate for the nature of the development.
- 6.4 The proposal would not result in an unacceptable impact on local ecology or protected species. The County Ecologist has no objection, subject to the submission of Construction Environmental Management Plan (CEMP) and the submission of a combined ecological and landscaping scheme. This would assist in achieving a Biodiversity net gain in accordance with the requirements of the NPPF.
- 6.5 No objections to the proposed development have been received from statutory consultees or from the public. 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 RBC/22CC007

7.2 Appendix A – Map of site and location.

7.3 Appendix B – Planning Conditions.

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Application No:RBC/22CC007
Paynes Lane, Rugby, CV21 2UH
New fire and rescue training centre including Minerva facility and welfare building

Regulatory Committee 06 June 2023
 Scale 1:1250 Drawn by: SP Dept: Communities

Warwickshire County Council
 Shire Hall
 Warwick, CV34 4SA
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Appendix B

**New fire rescue training centre including 'hot smoke house' Minerva fire simulation training facility and welfare building, on site parking, road way, fencing, planting,
Warwickshire County Council owned land, Paynes Lane former Land & Chippings site, Paynes Lane, Rugby, CV21 2UH.**

RBC/22CC007

Planning Conditions

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be carried out in accordance with the application form, Design and Access Statement, Desk Based Utilities Report (RSK Geosciences, July 2022), Preliminary Ecological Appraisal Rev 01 (RSK Biocensus, Ref 2484345) (August 2022), Transport Statement Rev P2 (November 2022), and drawings numbered:
 - PL-D1 Rev. A Proposed Site Layout
 - PL-D2 Rev. A Proposed Site Layout
 - PL-04 Proposed Plan, Elevations and 3D Images, Minerva Unit and Filtration Unit
 - PL-05 Site Location Plan
 - PL-06 Proposed Plan, Elevations and 3D Images, Minerva Unit and Filtration Unit
 - 5461 - 0101 Rev B - Welfare Floor Plans
 - 5461 - 0103 Rev B - Welfare Elevations

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, in accordance with Policy SDC1 – Sustainable Design of the Rugby Borough Local Plan 2011-2031.

Use of the site

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), the application site shall be used for no other purpose than as a fire rescue training centre.

Reason: As any alternate uses could significantly increase the number of vehicular movements to the site, and to comply with Policies ED2 – Employment Development within Rugby Urban Area, HS5 – Traffic Generation and Air Quality, Noise and Vibration, and SDC1 – Sustainable Design of the Rugby Borough Local Plan 2011-2031.

Hours of construction

4. No work relating to the construction of the development hereby permitted (including works of preparation prior to operations, the delivery of construction materials, skips or machinery, or the removal of waste materials from site) shall take place outside the hours of 0800 to 1800 Monday to Friday inclusive, 0800 to 1400 hours on Saturdays or at any time on Sundays or Public or Bank Holidays.

Reason: To protect the amenities of occupiers of nearby properties and to ensure the developments accords with Policy ED2 – Employment Development within Rugby Urban Area of the Rugby Borough Local Plan 2011-2031.

Hours of operation

5. The use of the development hereby permitted shall not take place outside the hours of 0800 to 2200 Monday to Friday inclusive, 0800 to 1400 hours on Saturdays or at any time on Sundays or Public or Bank Holidays.

Reason: To protect the amenities of occupiers of nearby properties and to ensure the developments accords with Policy ED2 – Employment Development within Rugby Urban Area of the Rugby Borough Local Plan 2011-2031.

Construction Environmental Management Plan

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 any protected species and habitats to be retained are not harmed by the development, in accordance with Policy ED2 – Employment Development within Rugby Urban Area of the Rugby Borough Local Plan 2011-2031, the National Planning Policy Framework (NPPF) 2021, and ODPM Circular 06/2005.

Bicycle Parking Provision

7. The proposed development hereby approved shall not be brought into use until written details of the number and location of bicycle parking spaces have been submitted to the County Planning Authority for approval. Once approved, the bicycle parking provision shall be implemented as approved and retained for the duration of the use of the development.

Reason: To ensure adequate parking provision is made for users of the site, and to promote sustainable modes of transport, in accordance with Policies D1 – Transport and D2 – Parking Facilities of the Rugby Borough Local Plan 2011-2031.

Development Plan Policies Relevant to the Decision.

Rugby Borough Local Plan 2011-2031 (adopted June 2019)

Policy GP2 – Settlement Hierarchy
Policy ED2 – Employment Development Within Rugby Urban Area
Policy HS5 – Traffic Generation and Air Quality, Noise and Vibration
Policy NE1 – Protecting Designated Biodiversity and Geodiversity Assets
Policy SDC1 – Sustainable Design
Policy SDC3 – Protecting and Enhancing the Historic Environment
Policy SDC4 – Sustainable Buildings
Policy SDC6 – Sustainable Drainage
Policy SDC7 – Protection of the Water Environment and Water Supply
Policy D1 – Transport
Policy D2 – Parking Facilities

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.

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By virtue of paragraph(s) 3, 6a of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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