

# 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,  
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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 6<sup>th</sup> 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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