

Planning Committee: 05 November 2019

Item Number: 8

Application No: [W 19 / 1030](#)

Town/Parish Council: Bishops Tachbrook
Case Officer: Helena Obremski

Registration Date: 03/07/19
Expiry Date: 02/10/19

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**Oakley Grove Phase 3, Land off Harbury Lane and Oakley Wood Road,
Leamington Spa**

Outline planning application for a proposed Primary School and Secondary School with 6th Form, sports pitch provision including flood lights, land for use as a Country Park and a residential development of up to 150 dwellings, with all matters reserved apart from access. FOR AC Lloyd (Homes) Ltd

This application is being presented to Committee due to the number of objections having been received. The application is also subject to a Section 106 agreement.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to health services, highway infrastructure improvements, education services, libraries, sustainable travel packs, provision of public open space, air quality mitigation, public rights of way, police services, biodiversity offsetting, and affordable housing.

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

Should a satisfactory Section 106 Agreement not have been completed by 3rd December 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

Background

The applicant's Planning Statement gives an overview of the background of the site and need for the proposed development:

Warwickshire County Council (WCC), as the local education authority, has a statutory responsibility to ensure that sufficient early years, primary and

secondary school places are available to meet local demand. A significant increase in pupil numbers is forecast to occur which cannot be met by existing school provision. This increase arises largely from the housing growth to the south of Warwick and Leamington which is currently being delivered. There is therefore a need to provide additional school places.

During the preparation of the Local Plan, education needs resulting from the housing allocations were going to be met by expanding the existing Myton School in combination with a modest extension to Champion School and the provision of new primary schools as part of the strategic urban extension.

The strategy to meet the education needs over the plan period was drawn up at a time when significantly less housing growth was envisaged to the south of Warwick and Leamington. During the preparation of the Local Plan, a number of housing sites were granted planning approval (including on appeal), significantly increasing the overall number of new homes being delivered to the south of Warwick and Leamington. The original strategy for meeting education requirements on land adjacent to Myton School is therefore now no longer considered by Warwickshire County Council to be sufficient to meet this larger housing growth.

Having explored the options for addressing the forecast increase in pupil numbers, Warwickshire County Council has come to the conclusion that neither an expansion of Myton School nor the provision of new school on the land adjacent to Myton School will be sufficient and that a new secondary school needs to be provided on a new site closely linked to the housing growth occurring to the south of Leamington.

Proposal

This is an outline planning application for a new Primary School, Secondary School with 6th Form and sports pitches including flood lights; land for use as a Country Park; and, a residential development of up to 150 dwellings with associated parking, infrastructure and landscaping. All matters except access are reserved for subsequent approval.

The Parameters Plan indicates the following four zones of the site as proposed:

- Zone A: Residential Use for a maximum of 150 dwellings, to be a maximum height of 2.5 storeys (4.67 ha).
- Zone B: Public Open Space (4.99 ha).
- Zone C: Education Use for primary school (maximum number of pupils - 420, to be no more than 2 storeys), secondary school (maximum number of pupils - 1200, to be no more than 3 storeys) (5.25ha), which includes a specific "build zone" to limit where built development can be located.
- Zone D: Country Park (including sports pitches, 11.71 ha).

The Planning Statement confirms that the residential element of the proposal would provide 40% affordable housing, and would include a mix of house types in

general accordance with the Council's SHMA. The parameters plan shows that the maximum height of the dwellings would be limited to 2.5 stories.

The related public open space (Zone B) is proposed to extend to approximately 5 hectares and would provide open space catering for the 150 housing units proposed as part of this planning application together with 'replacement' public open space which compensates for open space which would otherwise be lost as a result of the proposed development associated with Phase 1 of the wider Oakley Grove development.

The school buildings shown on the Indicative Masterplan provide the required quantum of floorspace to comply with the Baseline School Design Guidance prepared by the Education Funding Authority for the pupil numbers being applied for. The Primary School would be over two storeys and whilst floorspace is not specified on the Parameters Plan, it is envisaged that the Primary School would provide approximately 2,200 sq.m. of accommodation. In regards to the Secondary School, this would be up to 3 storeys and it is envisaged it would provide approximately 8,600 sq.m. of accommodation.

The combined school site would include a sports hall and sports pitches including all weather floodlit pitch. These facilities would be available to the public outside of school hours for community use.

The proposed area for the Country Park (Zone D) would link to the Country Park already approved under the Phase 2 Oakley Grove development and will replace the area of Country Park displaced by this proposal.

Vehicular access to the education land and Country Park is proposed off Oakley Wood Road 90m south of the signalised Harbury Lane/Oakley Wood Road junction in the form of a priority junction with Ghost Island right turn lane. The residential site would be accessed through the Oakley Grove Phase 1 development.

Whilst revisiting the landscape cross sections, the layout of the proposed playing fields was reviewed, seeking to ensure that the required earthworks to accommodate the proposed layout are minimised. Consequently, changes have been made to the illustrative playing field layout, and the Indicative Masterplan and Illustrative Landscape Masterplan have been amended accordingly, slightly amending the layout of the proposed pitches. The overall building heights are also noted on the plans.

An additional four viewpoints have now been assessed and two additional figures were provided within the Landscape and Visual Assessment (LVIA) following requests from members of the public and Bishops Tachbrook Parish Council.

THE SITE AND ITS LOCATION

The application site is approximately 26 hectares and positioned to the west of Oakley Wood Road and south of Harbury Lane. The site is located to the south of Leamington and is in part outside of the urban area boundary. Oakley Grove

phases 1 and 2 are under construction and lie to the north west of the application site.

The northern most part of the site currently lies within allocated housing site H02 and part of the northern section of the site also lies within land designated to be a country park. The remaining part of the site is agricultural land, consisting of arable fields.

Some isolated residential properties lie to the south and east of the site, of which there are Grade II listed buildings to the east. The Bishops Tachbrook Conservation Area boundary is located nearby to the southern boundary of the application site.

The Tach Brook runs along the southern and western boundaries of the site.

RELEVANT PLANNING HISTORY

SCR/18/0001 - EIA Screening Opinion for the proposal of Phase 3 Development on site located to the south of Harbury Lane, west of Oakley Wood Road and east of Phase 1 and 2 of the wider Oakley Grove residential development and proposed country park - EIA not required.

Relevant Wider Site Planning History:

Oakley Grove Phase 1:

W/14/0023 - Outline permission for residential development (approximately 200 dwellings) with new access onto Harbury Lane, land safeguarded for a new primary school, allotments, open space, local shop (A1 use up to 100 sqm gross), car parking and associated infrastructure - planning permission granted.

W/14/1865 - Reserved matters application for the layout, scale and appearance of 90 dwelling houses comprising one and two storey housing together with associated garages, parking facilities, infrastructure and drainage, forming Phase 1 of the Grove Farm Harbury Lane development granted under outline planning permission W/14/0023 - planning permission granted.

W/17/0039 - Reserved matters application for the layout, landscaping, scale and appearance of 130 dwelling houses comprising 1.5, 2 and 2.5 storey housing together with associated garages, parking facilities, landscaping, infrastructure and drainage, forming Phase 1B of the Oakley Grove Harbury Lane development granted under outline planning permission W/14/0023 - planning permission granted.

Oakley Grove Phase 2:

W/15/0851 - Outline planning application for residential development for (approximately) 520 dwellings together with two new accesses onto Harbury Lane, land for Country Park, open space (including areas of formal and informal open space, allotments, structural landscaping and drainage works including surface water attenuation ponds as part of a Sustainable Drainage System), demolition of

existing buildings, car parking and associated infrastructure - planning permission granted.

W/16/2356 - Reserved matters application for the appearance, layout, landscaping and scale of the infrastructure works (principally drainage pond, drainage routes, public open space and roads and footpaths, and hereinafter referred to as Oakley Grove Phase 2A) pursuant to condition 1 of previously approved outline application ref: W/15/0851 - planning permission granted.

W/18/1431 - Application for Reserved Matters pursuant to condition 1 of planning permission ref: W/15/0851 for details of access, appearance, landscaping, layout and scale of 108 dwellings together with associated highway infrastructure, footpaths, parking and open spaces with children's play area, constituting Phase 2d - planning permission granted.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS12 - Allocation of Land for Education (Warwick District Local Plan 2011-2029)
- DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- CT1 - Directing New Meeting Places, Tourism, Leisure, Cultural and Sports Development (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- BE5 - Broadband Infrastructure (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)

- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS5 - Directing Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- NE7 - Use of Waterways (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Affordable Housing (Supplementary Planning Document - January 2008)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Open Space (Supplementary Planning Document - April 2019)

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: Neutral based on the fact that there is reasonable support for the school, but limited support for the additional housing. The following points should be taken into consideration:

- There is support for the school in the local area, a smaller separate secondary school to Myton is better. However, the elevated nature of site within the rural landscape provides some significant difficulties.
- Construction of 150 houses has caused concern and worry amongst residents. The case for an additional 150 houses has not been adequately made.

- The proposal appears to contravene the adopted Local Plan and sets a precedent for other breaches of policy.
- The proposal is in a highly sensitive area and the proposals must be sensitively designed. The LVIA is poor and does not adequately illustrate the impact of the school from key viewpoints. The Parish Council requests that these are improved.
- Requests a condition requiring that works should not commence on designing the school until there is a degree of local support, including an independent review of the proposals by a panel of experts.
- The Parish Council is concerned about the close proximity of the proposed development to heritage assets and that the substantial tests set out in the NPPF are not currently met. This must include not only direct impacts on heritage assets, but also the impact on the setting, and the views into and from the site. Suggests improvements to mitigate harm to heritage assets.
- The proposed access for the school is acceptable and would limit the impact on the rural nature of Oakley Wood Road and avoids school traffic having to navigate through the new housing states.
- Residents are concerned regarding the high volume of road traffic which the school will generate. Traffic volumes should be mitigated through safe and attractive walking and cycling routes. Construction traffic must be managed.
- It is understood that the freehold interest in the land then allocated as Country Park will be transferred to the Parish Council with a long lease then granted back to the WDC who will work with stakeholders (including the Parish Council) to curate the Country Park. The Parish Council's view is that, to build any confidence from the already mistrusting residents of the Parish, WDC must ensure that this transfer takes place immediately.
- Welcomes the community use agreement for the sports facilities. Supports a condition to limit the floodlighting to one sports pitch was has the minimum impact on residents and wildlife.

Whitnash Town Council: No objection.

Councillor Bullen: Objection:

- The proposals must be refused because they do not accord with the adopted Development Plan and there are no material considerations which indicate otherwise.
- There is full support for a new school to meet educational and locational need.
- The proposed site will lead to parents driving their children to school because there will not be safe and secure access through the Country Park.
- The application site is completely unsuitable for a school and an alternative should be found. The typography will make the school extremely prominent in the landscape and construction will be expensive.
- The developer claims that the additional 150 dwellings are necessary for financial reasons. However, the NPPG makes it clear that planning concerned with land use in the public interests, so that the protection of purely private interests of land owners are not a material consideration.
- The 150 dwellings are surplus to requirements as more than enough housing provision has been made across the District. The Inspector for the Local Plan was satisfied that there was no need to allocate additional housing sites in and around Leamington, Warwick and Whitnash.

- The proposals would be outside of the defined urban boundaries identified by the Inspector for the Local Plan examination.
- If the secondary school is to be located within the site boundaries, it should be done so without the additional housing because of the following considerations: all of the school buildings can be built within the identified urban boundaries, so access to the school from the new housing developments would be improved; the school buildings would be on a largely level site; the pitches shown on the plans as proposed will not be able to be accommodated, leading to further erosion of the Country Park; there will be less erosion of the Country Park; the development would respect Local Plan policy DS4 limiting development on sites that would lead to the coalescence of settlements to ensure settlement identity is retained; the proposed floodlighting would be limited within the identified urban boundaries; there will be a net loss of 3.53 ha of Country Park if the land gains and losses are taken into account as proposed.
- There is a petition against any proposed housing, but supports the need for a school in an appropriate location.

Historic England: No objection, comments:

- From a heritage perspective it is regrettable that the logic of the Local Plan allocation is being overridden. This will compromise the retention of the separation of the Conservation Area from the urban extent of Warwick and Leamington Spa. That will have an impact on the setting of the Conservation Area which will affect its significance. The essential character at the moment is of a village in the open countryside.
- The level of harm will be less than substantial, but still sufficiently serious to merit consideration in the decision making process. That will invoke the tests in paragraph 196 of the NPPF and the planning balance will need to be assessed. It is for the planning authority to decide whether or not the non-heritage benefits of the scheme outweigh the harm to the Conservation Area.

Campaign for Rural England (CPRE): Objection, the proposal would cause serious harm to the separation between the expanded Leamington and Warwick urban area and village of Bishops Tachbrook. The rural character would be lost as the proposed land use is urban. The maintenance of the gap and the continuity of the green corridor of the Tach Brook valley is all the more important because it is the setting the Conservation Area. The proposal conflicts with Local Plan policies NE4, BE1, DS13. There is no requirement for the proposed housing and there is far more than a five year housing land supply.

WCC Education:

- The current allocation ED1 within the Adopted Local Plan comprises of a 7 hectare site allocated for education as part of the development now known as Myton Green. This site does not allow for WCC's preferred model of all-through provision and would present severe limitations to the accommodation delivered and likely result in a shortfall of necessary sports and recreation space as required for a standalone secondary school.
- The proposed school is intended to serve the need for secondary school places arising as a direct result of the housing development across the South Leamington/ Warwick area. In order to promote sustainable travel and reduce

car journeys an important consideration is to ensure that the location of the new school falls within a 3 mile walking distance from the intended secondary pupil's home locations.

- The pupil forecast methodology by WCC does not utilise ONS population projections. ONS 2016-based subnational population projections include migration figures based on five-year trend data of Local Authority inflows and outflows of population to derive the average migration flow as a proportion of the population. For Warwick District this does not therefore take into account the significant housing growth currently permitted and proposed in the area.
- A review of 10 potential sites was undertaken with the conclusion that the site proposed is that the only site that is considered to be suitable, available and achievable.
- The new school site as outlined in the planning application will be required to provide shared access to new sports and leisure facilities for the local community, including access to the country park and the pedestrian and cycle ways throughout to promote sustainable transport options for children traveling to and from school.
- Contributions are required to account for the increased demand on education services resulting from the additional housing.

WCC Archaeology: No objection, subject to conditions.

Environment Agency: No objection.

Affordable Housing: No objection, subject to provision of 40% affordable housing.

Private Sector Housing: No objection.

Natural England: No objection, makes general recommendations in reference to sustainable use of construction sites and green infrastructure.

South Warwickshire CCG: No objection, subject to contribution of £59,045 towards the improvement / extension of Whitnash Medical Centre.

South Warwickshire NHS Foundation: No objection, subject to contribution of £86,219.94 towards the provision of additional services to meet patient demand.

Warwickshire Police: No objection, subject to contribution of £32,639 towards additional police staff, police vehicles and office accommodation.

Warwickshire Police, Crime Reduction and Community Safety: No objection, however, there are opportunities to design out crime and/or the fear of crime and to promote community safety.

WCC Infrastructure: No objection, subject to contributions of £3,021.30 towards ongoing maintenance of public rights of way; £3,283 for enhancements to libraries; £1,540,608 towards education provision; £10 per dwelling for sustainable travel packs; £5,490 towards membership of the Warwickshire Road Safety Club.

WCC Public Rights of Way: No objection.

Sports and Cultural Services: No objection in principle, Cultural Services strongly supports the location of this school on this site.

WCC Ecology: No objection, subject to conditions and 'Tracking' Biodiversity Offsetting schedule be incorporated into the Section 106 agreement.

Warwickshire Fire and Rescue: The requirements of guidance relating to access for emergency vehicles cannot be met.

Warwickshire Ramblers: Objection, the proposal is not compliant with Local Plan policies DS13 (allocation of land for country park) and DS11 (allocated housing sites).

WCC LLFA: No objection, subject to conditions.

Sports England: No objection, subject to conditions.

Severn Trent: No objection, recommends informative note.

Environmental Protection: No objection, subject to condition and £464,796 towards damage costs.

Open Space: No objection, subject to Section 106 contributions towards public open space, allotments, play area, SuDS, safer routes to school, clarification regarding the access to the country park and parking, clarification regarding transfer of land and boundaries and a condition relating to the provision of a link to an existing footpath from the site.

Tree Officer: No objection.

WCC Landscape: No objection, raises concern regarding reduction in gap between the south of Leamington and Bishops Tachbrook which would read as one, and concern regarding urbanisation of the park. Makes recommendations for the reserved matters stage of development.

Public Responses:

99 Objections:

Principle of the Development

- The proposal is not in accordance with the requirements of the Local Plan - dwellings go beyond the urban boundary and the school is on land allocated for the Country Park.
- The proposal is contrary to the emerging Neighbourhood Plan.
- Departure from the adopted Local Plan could set a precedent for future harmful development.
- Loss of rural areas and prime agricultural land.

- Separation between the two villages as per the original plans for the Country Park which acted as a strong green buffer is needed to ensure that Bishops Tachbrook remains an independent rural village which was endorsed by the Planning Inspector during the Local Plan examination.

Country Park

- The school playing fields and SuDS in the Country Park will be fenced off and mean that it is not a usable space for open access, all year round.
- SuDS should have been located outside of the Country Park, within the development site to which it relates, according to Local Plan policy FW2 and sets a dangerous precedent for future development.
- Loss of Country Park, which is now a token strip of green space / corridor and will not be maintained.
- According to the section 106 agreement, prior to the occupation of the first dwelling granted in application W/15/0851 the Amenity Open Space Land should have transferred to WDC for the purchase price of £1 and the Country Park Land should have been arranged for sale to Warwick District Council for £1 upon agreement of proposals. This section 106 agreement was enacted on 31st March 2017 with the first house completion on 31st November 2018 therefore the land designated for a country park within the WDLP should already belong to WDC. If this is not the case then the applicant is technically in breach of the s106 agreement.
- The SuDS proposed within the Country Park were not part of the original Local Plan and demonstrates the developers attempts to squeeze additional housing onto the site to the detriment of the Country Park, which could lead to flooding, threatening housing and the school, and preventing use of the Country Park.

Highways

- The proposal will add to existing traffic congestion and poor infrastructure, which will not be able to cope with increased number of housing already approved in the local area.
- Oakley Wood Road is a dangerous road already, with many recent accidents; the development will cause increased danger to pedestrians and cyclists.
- Query regarding the time of the traffic audit carried out as a valid representation of the true traffic situation (outside of rush hour and during school holiday), and use of the pelican crossing.
- Further investigation should be carried out relating to the reliability of traffic modelling data in light of existing developments and impacts on highway networks.
- Query regarding visibility splays.
- The current access is more dangerous than that originally proposed as part of the pre-application discussions, being close to the Harbury Lane cross roads.

Impact on Existing Residents

- Increased light, noise and pollution as a result of the development.
- Impact on health and wellbeing of local residents.
- Disruptive ground works will be needed to level the land.

Proposed School

- Investment should be in existing schools, rather than creating a new one.

- Inappropriate location for new school in terms of capacity of highway infrastructure, position on extreme end of the district, need in the area, cost (terrain and infrastructure are less suitable).
- The modelling of school numbers is not up to date and further research on the site options needs to be carried out.
- Students will not cycle or walk to school, as suggested by the transport statement.
- There has been no site option assessment based on pupil numbers.
- As allocated education site ED1 has been sold, this application is a "done deal" and will be forced through.
- Warwickshire County Council's SEND and Inclusion strategy (2019) proposes SEND educational provision is co-located with mainstream provision. Using ED1 land for only SEND provision and not also for mainstream provision is against WCC policy.
- Safety concerns regarding impact of the Country Park next adjacent to existing residential boundaries.
- Allocated education site ED1 was more suitable for the development, and the stadium and athletics track could be located on the current Harbury Lane Playing Fields.
- The land alongside Oakley Wood Road will be transferred to WDC as part of the Phase 2 s106 agreement, therefore there is no question of handing over the land for the school.
- Safeguarding of children needs to be considered.

Impact on the Local Area

- Detrimental impact on the character of the rural area.

Housing

- There has already been an increase in anti-social behaviour as a result of the additional housing.
- Some welcome the addition of the secondary school, but are opposed to additional housing.
- The affordable housing is only affordable if renting from the Council or if you are a first time buyer, the remaining housing is very expensive.
- There are still unsold plots on nearby sites.
- There is no justified local need for the housing and there are already over 2000 more houses than allocated by the Local Plan.
- There is no identified local unmet housing need.
- The impact of existing housing is not yet known.
- If the housing were allowed, it should be 100% affordable.

Heritage Assets

- Destruction of rural setting of Tachbrook Mallory House / The Grove (listed buildings).
- The validity of the Heritage Assessment is questioned given the ambiguity of the proposal, and the failure of the assessor to visit the heritage assets
- The Heritage Assessment has downplayed the significance of the application site to the setting of the heritage assets, and therefore the level of harm.
- The proposal to mitigate the harm through screening will not reduce the level of harm.

- The Applicant has failed to provide a clear and convincing justification for the harm it is proposing to the heritage assets.
- The public benefits that the Applicant relies on to justify the harm could be achieved in an alternative way which would cause less harm to the heritage assets.

Other

- Destruction of woodland, fields and wildlife.
- Village community and status of Bishops Tachbrook is being eroded.
- There are no economic benefits to the scheme.
- New residents who have purchased houses on estates along Harbury Lane and on Mallory Grange on the basis of information contained in the Adopted Local Plan will have a legitimate complaint against AC Lloyd and the Council that the nearby amenity space they were expecting to enjoy and that was agreed in the s106 agreement for their development, has been removed.
- Updated cross section drawings are required.
- The need for an EIA should be looked at again.
- Over 1000 people have signed a petition against the development.

2 Neutral:

- Request that cycle routes will be segregated from vehicles so staff and pupils at the school have no need to travel by car.
- This would be an excellent opportunity for the Council to demonstrate commitment to a net carbon neutral programme.

4 Support: an excellent opportunity to provide much needed facilities whilst still maintaining a green belt between Leamington Spa and Bishops Tachbrook. The school will be in walking distance for the children of the Parish and doubles up as a leisure facility. Conversion of inaccessible fields to Country Park providing walking, running and cycling routes as well as other green space.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- The Principle of the Development and Departure from the Local Plan: Education Need, Proposed Housing, The Country Park;
- Loss of Agricultural Land;
- Impact on Amenity;
- Impact on Heritage Assets;
- Archaeological Impact;
- Impact on Landscape;
- Highway Safety and Traffic Generation;
- Trees;
- Open Space;
- Ecological Impact;
- Air Quality;
- Drainage and Flood Risk;
- Impact on Local Services / Section 106 Contributions;
- Other Matters.

The Principle of the Development and Departure from the Local Plan

Objections have been received which state that:

- The proposal is not in accordance with the requirements of the Local Plan - the dwellings go beyond the urban boundary and the school is on land allocated for the Country Park.
- The proposal is contrary to the emerging Neighbourhood Plan.
- A departure from the adopted Local Plan could set a precedent for future harmful development.
- Separation between the two villages as per the original plans for the Country Park which acted as a strong green buffer is needed to ensure that Bishops Tachbrook remains an independent rural village which was endorsed by the Planning Inspector during the Local Plan examination.

The NPPG states that "the development plan is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan *unless material considerations indicate otherwise*". Therefore, a departure from the Local Plan would be lawful, but only if material circumstances exist which would justify such a departure.

Within the adopted Warwick District Local Plan, the northern part of the site is allocated for housing and the Country Park. This northern area also falls within both the Oakley Grove Phase 1 outline planning permission area (ref: W/14/0023) and the Oakley Grove Phase 2 outline planning permission area (ref: W/15/0851). Although no detailed Reserved Matters proposals have been approved for this land (other than infrastructure works and allotments), under the agreed masterplans, the land is effectively reserved as a primary school, public open space/allotments and Country Park. The provision of a second primary school as part of site allocation H02 (in addition to Heathcote Primary School) is a requirement of the Local Plan.

The southern part of the application site is not covered by the Policy H02 allocation or the aforementioned planning approvals, and is land within the open countryside where there is a general presumption against development.

This application proposes to develop the northern part of the site for up to 150 residential dwellings and associated public open space on land currently reserved for a primary school, public open space/allotments and Country Park. The primary school would be relocated on the unallocated land to the south, on a site which would also accommodate a secondary school (including a 6th Form), sports facilities and sports pitch provision including flood lights. The Country Park would be reshaped to wrap around the southern and western boundary of the new development on land currently not designated for this purpose and would link into the Country Park allocated under Policy DS13. The proposals would therefore represent a departure from the Local Plan.

The applicant has identified the following reasons as justification for departure from the Local Plan:

- There will be a significant increase in the number of children of both primary and particularly of secondary school age, in excess of forecasts considered during the Local Plan process.
- The original strategy for meeting education demands is no longer appropriate and having considered possible options, the local education authority has concluded that a new secondary school needs to be built on a site closely linked to the growth to the south of Leamington. Following a review of possible site options, the application site has been identified as the only suitable, available and achievable site to meet the forecast demand in the required timescales.
- To enable the local education authority to acquire the site for the primary and secondary school, the northern part of the application site previously reserved for a primary school and Country Park is proposed to be brought forward for housing.
- The proposed development will result in significant social, economic and environmental benefits through the provision of new education facilities in a location that is accessible to existing and new communities, the provision of new housing and continuation of the Country Park.

These matters are discussed in detail below.

Education Need

WCC Education have confirmed that they need to secure land to accommodate new education provision comprising of a new 1,200 place Secondary School including Sixth Form, a 420 place Primary School, Early years provision, and Special Educational Needs (SEN) resource provision.

Queries have been raised by members of the public that the modelling of school numbers is not up to date and further research on the site options needs to be carried out. However, WCC Education have confirmed that they produce forecast pupil numbers on a yearly basis, on the receipt of the latest population data from the health authorities, the latest data on parental preference trends for Warwickshire schools and housing development build trajectories from the relevant planning authorities. WCC Education have confirmed that their projections are based on the most up to date data held by the Council, as detailed in the table below:

Table 1 – Secondary pupil numbers forecasts (April 2019):

Planning Area	Academic Year	Year 7 Capacity -PAN	Year 7 Forecast Pupil Numbers	Available Capacity (4% target)	Total Capacity	Total Forecast Number On Roll	Available Capacity (4% target)
Warwick and Leamington	2019/20	1051	1056	0%	5255	4823	8%
	2020/21	1081	1057	2%	5405	5012	7%
	2021/22	1081	1158	-7%	5405	5301	2%
	2022/23	1081	1182	-9%	5405	5578	-3%
	2023/24	1081	1313	-21%	5405	5936	-10%
	2024/25	1081	1284	-19%	5405	6131	-13%
	2025/26	1081	1300	-20%	5405	6318	-17%

WCC's forecasts show that a shortfall of secondary school places is expected from September 2019 and this will increase year on year as larger primary school cohorts transfer to secondary education and development progresses bringing more families into the local area. By 2024/25 a significant shortfall of more than 1,000 secondary school places is expected.

Plans are currently being progressed to expand Champion School by 55 places per year group from 2020 as the first step to meeting the expected shortfall. However, this will still leave an increasing shortfall of secondary school places that justifies a new 1,200 place secondary school opening from 2023 with additional interim measures being put in place at existing provision prior to this new school opening.

WCC Education have confirmed that the current education allocation ED1 in the Local Plan comprises of a 7 hectare site allocated for education as part of the development now known as Myton Green. This site does not allow for WCC's preferred model of all-through provision and would present severe limitations to the accommodation delivered and likely result in a shortfall of necessary sports and recreation space as required for a standalone secondary school.

The proposed school is intended to serve the need for secondary school places arising as a direct result of the housing development across the South Leamington/Warwick area. In order to promote sustainable travel and reduce car journeys an important consideration is to ensure that the location of any new school falls within a 3 mile walking distance from the intended secondary pupil's home locations.

Members of the public have raised concerns that there has been no site option assessment based on pupil numbers. However, WCC Education confirm that a review of 10 potential sites was undertaken by the Council, and it was concluded that the site proposed is that the only site that is considered to be suitable, available and achievable. A copy of the assessment was provided as part of the application. Given the geographical spread of the housing development across the area, all sites reviewed were within the 3 mile home to school walking distance as advised by the Department for Education for secondary school age pupils, pending construction of the various roads, cycle ways and pedestrian foot-paths.

The need for a site which can meet the District's education needs is a substantial material consideration of this application. It is clear that the existing education site allocated for development (ED1) is too small to meet all the educational requirements and that expanding existing education facilities would also be insufficient. The applicant has assessed 10 different sites for suitability, including additional sites which were requested to be considered as part of the pre-application consultation exercise. The site options assessment confirms that this is the only site which would allow the Council to deliver the projected school places identified on time and in accordance with the education requirements. Furthermore, it should also be noted that without supporting the application, there would be no provision for a primary school along Harbury Lane. The education need to use this site is therefore considered to be well justified and forms a substantial material reason to consider departure from the Local Plan.

Concern has also been raised regarding the school in relation to the following matters:

- Inappropriate location for new school in terms of capacity of highway infrastructure, position on extreme end of the district, need in the area, cost (terrain and infrastructure are less suitable).
- Students will not cycle or walk to school, as suggested by the transport statement.
- As allocated education site ED1 has been sold, this application is a "done deal" and will be forced through.
- Warwickshire County Council's SEND and Inclusion strategy (2019) proposes SEND educational provision is co-located with mainstream provision. Using ED1 land for only SEND provision and not also mainstream provision is against WCC policy.
- Allocated education site ED1 was more suitable for the development, and locate the stadium and athletics track on the current Harbury Lane Playing Fields.
- The land alongside Oakley wood Road will be transferred to WDC as part of the Phase 2 S106 agreement, therefore there is no question of handing over the land for the school.

Paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities, and importantly that 'great weight' should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications. As detailed above, the application site is considered to be the only site which is capable of delivering the Council's education needs and is in an appropriate, sustainable location in terms of the pupils it would serve. Existing schools and allocated education land would not deliver the required level of facilities for the number of places required. It should be noted that education land ED1 has not been sold and is owned by WCC. The Transport Statement has been assessed by WCC Highways which is discussed in more detail below. Any conflict with WCC Education Policies relating to allocation ED1 would be a matter for WCC Education to address independently of this planning application. The Police have not indicated that there would be any undue safety concerns presented for the occupants of the residential properties neighbouring the application site. Education site ED1 is not

large enough to deliver the education requirements needed to provide for the projected pupil numbers.

Proposed Housing

There has been substantial opposition from members of the public regarding the proposed housing, and Bishops Tachbrook Parish Council express concern in relation to this matter, which sits in land allocated in part for the County Park and in part for housing/primary school. The proposal amends the boundary of the Country Park to wrap around the proposed school and housing, extending the boundary of the Park further south than the initial allocation within the Local Plan.

In order to deliver the required education land outlined above, the developer has agreed to release the land, subject to the provision of 150 dwellings to the north of the site. Therefore, without the housing provision, the required education land cannot be delivered.

The Local Plan allocated development across a number of categories, including those with existing permission and sites allocated by the Local Plan (Policy DS7). It also makes a provision for windfall sites to deliver 1010 dwellings over the plan period, to which this application would make a contribution. The principle of housing being an appropriate use on the already allocated part of the site is already accepted by its allocation with the Local Plan, and so the important consideration is whether housing on the area allocated to a Country Park is acceptable.

Several objectors have raised concern that there is an overprovision of housing, and refer to ONS figures released at the end of 2018. It should be noted that housing need is calculated through a process called 'Standard Methodology', as set out by central government. The ONS figures were removed from this methodology almost immediately upon release, and following a period of consultation, the methodology now uses 2014-based population projections. As such the comments regarding are erroneous given that the current Standard Methodology does not use the ONS figures referred to. The current Methodology formula would see *no reduction in overall housing need*. Notably, the Council's recently published 5 year housing land supply assessment shows that there has been a reduction in the Council's predicted land supply, from 6.62 years to 6.37 years of housing land supply. The fact that the Council has over a 5 year housing land supply should not preclude additional housing coming forwards. In addition, the Council is now also expected to meet the Housing Delivery Test. In 2018/19, this was met, but the requirement for the current year and future years is higher and there are likely to be significant challenges in meeting this requirement on an ongoing basis, thus emphasising the need to provide windfall development where appropriate.

References are made by members of the public that there is no local unmet housing need and that during the Local Plan examination, the Inspector concluded that no additional housing sites were required in and around Leamington Spa, Warwick and Whitnash. Whilst this may be the case, the Local Plan was examined and found sound on the basis that there would also be provision for windfall sites to deliver 1010 dwellings during the plan period. It should not be assumed that the Inspector meant that all new housing development should be directed away from Leamington Spa, Warwick or Whitnash. In fact, these areas are identified as the most

sustainable areas where housing should be directed in the first instance (along with the other urban areas identified within the proposals maps). The definition of windfall development is "sites that have not been specifically identified as available during the Local Plan process". The Inspector concluded that no additional *allocated* sites were required for housing in and around Leamington Spa, Warwick and Whitnash, but not that windfall sites should be excluded.

Members of the public also reference the following concerns relating to the provision of additional housing:

- There has already been an increase in anti-social behaviour as a result of the additional housing.
- The affordable housing is only affordable if renting from the Council or if you are a first time buyer, the remaining housing is very expensive.
- There are still unsold plots on nearby sites.
- The impact of existing housing is not yet known.
- If the housing were allowed, it should be 100% affordable.

The Council has a duty to provide the required level of housing stated in the Local Plan during the plan period. Therefore, the fact that some of the existing plots are not sold has no bearing on the assessment of this application, and is out of the control of the Local Authority. Furthermore, as detailed below, the Police have not raised concerns regarding safety relating to any part of the proposal. The Council's definition of affordable housing is same as the definition set out in the NPPF. This identifies what constitutes affordable housing for rent, starter homes, discounted market sales housing and other affordable routes to home ownership. Whilst members of the public may consider that the price of existing affordable housing is high, any proposed affordable housing would be secured in perpetuity as required by the NPPF. As the Local Plan only requires than 40% of the housing development should be affordable, it would unreasonable to insist that all of the housing should be affordable.

The Country Park

The Local Plan under policy DS13 and the policies maps, allocates land for the Country Park. It also sets out the functions which the park intends to provide. The section of Country Park affected by the proposals would be reshaped to wrap around the southern and western boundary of the proposed development on land which is not designated for the purpose in the Local Plan. This additional area of Country Park seeks, as a minimum, to replace the area of land allocated for the Country Park that will be lost as a result of the housing and school development.

Objectors express the following concerns regarding the impact of the development on the Country Park:

- The school playing fields and SuDS in the Country Park will be fenced off and mean that it is not a usable space for open access, all year round.
- SuDS should have been located outside of the Country Park, within the development site to which it relates, according to Local Plan policy FW2 and sets a dangerous precedent for future development.

- Loss of Country Park is now a token strip of green space / corridor and will not be maintained.
- According to the section 106 agreement, prior to the occupation of the first dwelling granted in application W/15/0851 the Amenity Open Space Land should have transferred to WDC for the purchase price of £1 and the Country Park Land should have been arranged for sale to Warwick District Council for £1 upon agreement of proposals. This section 106 agreement was enacted on 31st March 2017 with the first house completion on 31st November 2018 therefore the land designated for a country park within the WDLP should already belong to WDC. If this is not the case then the applicant is technically in breach of the s106 agreement.
- The SuDS proposed within the Country Park were not part of the original Local Plan and demonstrates the developers attempts to squeeze additional housing onto the site to the detriment of the Country Park, which could lead to flooding, threatening housing and the school, and preventing use of the Country Park.

The application affects approximately 9 hectares of Country Park land. However, the parameters plan shows that the new Country Park area would be 11.7 hectares, thus increasing the size of this section of the Country Park by 2.7 hectares which is a material benefit. The school playing fields are included in this figure and are considered to contribute towards the function of the Country Park. Members of the public consider that the playing fields and SUDS should not be included in the calculation towards the area of Country Park provided. Officers have conducted research on other existing Country Parks and note that for example, Ryton Pools in Warwickshire provides a range of activities such as children's play areas, cycle paths, and large lakes which are used for fishing. Decoy Country Park in Devon benefits from water parks and lakes which are used for water sports, and formal playing fields. Arrowse Country Park in Wirrel has an 18 hole golf course, adventure playground, outdoor gym, tennis courts, bowls greens and angling facilities. Campsall Country Park in Doncaster has angling, adventure playground area and playing fields. These examples show that the playing fields and SUDS can be included in the calculation for the Country Park as traditional uses / facilities.

Furthermore, 4.99 hectares of open space which forms part of the application sits immediately adjacent to the Country Park, and would be managed and maintained as part the Country Park. This would be available for use by members of the public in the same way that the Country Park would be, and is effectively part of the Country Park (although it is not counted in the figures towards Country Park land for clarity).

The Local Plan sets out the following functions for the Country Park:

- a) Provide a strong 'green buffer' between the northern parts of Bishop's Tachbrook and the southern edge of the new development sites off Harbury Lane. This will include minimising the visual impact of development and softening the edge of new housing schemes.
- b) Promote ecology and habitat diversification in a landscape that has historically been associated with modern farming and other uses.
- c) Potentially play a role in flood alleviation, particularly considering the close proximity of a significant number of new houses.

- d) Provide a functional park facility that is well-connected to new developments, in terms of access and walking and cycling infrastructure. While the park may have a defined character, it is also part of a wider brook valley / green corridor.
- e) Provide park facilities of an appropriate scale to support informal leisure activities for people living within the wider area south of Leamington / Warwick, who currently have limited access to nearby natural green space and the wider countryside.

Officers consider that for the reasons detailed below that the proposals would still result in a strong green buffer remaining between Bishops Tachbrook and the residential development at the north of the site, so therefore still fulfils the function required by point a. Officers have no reason to consider that reshaping the Country Park would detrimentally impact on the delivery of objectives of points b - e. In fact, the facilities would be enhanced as a result of the proposals, providing access to sports pitches / running tracks and easy access to adjacent sports facilities within the school. Also, the proposal would result in enhancement to the connectivity, by providing a sustainable green corridor which allows access from Bishops Tachbrook to Leamington, through increased walking and cycling links. Furthermore, the Council's Open Space Team have not raised any concerns regarding the ability for the amended Country Park to deliver the objectives set out in the Local Plan.

Whilst there would be some restrictions in terms of the hours of use of part of the Country Park (the playing fields and sports facilities associated with the school) during school hours as they would need to be fenced off for security reasons associated with the education use, as there are identified enhancements to the range of sports facilities provided, and they would be available when there would be most demand (evenings, weekends and school holidays), the restrictions of use are not considered to provide a high degree of hindrance to those most likely using them. There would also be large areas of the Country Park which have no such restrictions. The Council's Sport and Leisure Team note that the location of the school next to the Country Park is advantageous for outdoor sporting and leisure activities. Warwick District is the home of many clubs and organisations like Parkrun, Run Like a Girl and British Military Fitness who thrive in the community, which has an active population with regards to sport and physical activity. The proposed enhancements to the Country Park will allow organisations such as this to flourish in a new location, close to centres of growing population.

Locating SuDS in the Country Park would also provide opportunities for increased visual interest and they can be enjoyed by members of the public for recreation purposes. Therefore, their inclusion in the Country Park would not prejudice the functions of the park and is not contrary to Local Plan policy FW2. In fact, they are considered to provide benefits to users of the Country Park. The impact on flooding is assessed below. The Country Park will be managed by the District Council, so there is no reason to conclude that it would not be well-maintained. It is not known whether the SuDS would be fenced off as the application is outline only, so these details would be secured at the reserved matter stage.

Any breach of a Section 106 agreement which is not associated with this planning application would be a matter to be considered outside of the assessment of this application.

Conclusion

The proposals would represent a departure from the Local Plan. However, it has been demonstrated that the application site is the only suitable and available site to deliver the Council's education requirements, which have significantly increased due to substantial housing growth within the District.

The proposed amendments to the Country Park, to include the playing fields would provide enhanced facilities such as sports pitches and running tracks which would be available for use by members of the public. Furthermore, as a result of the development, members of the public would also have access to sports facilities within the school. Plus, overall, the size of the Country Park land increases by 2.7 hectares. The proposal would result in enhancements to the connectivity, by providing a sustainable green corridor which allows access from Bishops Tachbrook to Leamington, through increased walking and cycling links.

The additional housing, which would be considered as windfall development would provide benefits such as providing towards the Council's required housing demand, and economic benefits such as additional spending within the District and meeting the Council's housing requirements.

Given the 'great weight' that paragraph 94 of the NPPF attaches to the provision of adequate schools, and the combination of the benefits identified above, Officers consider that these represent material considerations which would justify a departure from the Local Plan.

Loss of Agricultural Land

Objections concern the loss of rural areas and prime agricultural land.

An Agricultural Land Classification and Soil Resources assessment was provided by the applicant which confirms that most of the site is Grade 2 (very good quality), with smaller areas of Sub-Grade 3a (good quality) and sub-Grade 3b (moderate quality).

Therefore the whole of the site meets the definition of the best and most versatile agricultural land as set out in the NPPF. The proposals would therefore result in the permanent loss of 10 hectares of the best and most versatile agricultural land.

Paragraph 170 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Footnote 53 goes on to state that, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The need for the development of this agricultural land is required in order that the Council meets its education provision requirements. As identified above, this site has been identified as the only suitable and deliverable site within the required time period, and the use of another site, where there may be areas of poor quality agricultural land is not possible. This particular site has been selected for its proximity to the pupils which it would serve, and therefore an alternative site selection is unlikely to meet WCC Education's requirements, as demonstrated by the assessment made by the Council. The requirements for the site are very specific and therefore, the overriding need to meet the Council's education requirements is considered to outweigh the loss of the best and most versatile agricultural land in this instance.

Impact on Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

Impact on Nearby Residential Amenity

There are existing residential properties which neighbour the application site to the south, east, south east and those which are under construction to the north / north west which form part of the Oakley Grove Phase 1 development. Objections relating to the impact on neighbouring residential amenity include: increased light, noise and pollution as a result of the development; impact on health and wellbeing; and disruptive ground works will be needed to level the land.

A noise assessment has been provided in support of the application which has assessed additional road traffic noise and outside play areas associated with the schools. Environmental Health Officers raise no concern regarding the findings. Environmental Protection also recommend that a condition is included to ensure the provision of a construction management plan prior to commencement of works to control the impact of the construction works on neighbouring residents. Environmental Health also suggest that the use of the pitches is restricted by condition to protect neighbouring residential amenity, which has been agreed by WCC Education and the Council's Sports and Leisure Team.

A Lighting Assessment and Strategy Report has also been provided. The report demonstrates that there is a need for various areas of site to be lit to provide safety and security of users. The report confirms that the lighting of residential areas is within best practice guidance and will promote safe movement of individuals and lighting needed within school. Environmental Protection raise no concerns regarding this matter and recommend that a condition is imposed to ensure that the development is carried out with the information provided and a more detailed lighting scheme. Environmental Health recommend that a condition is attached limiting the hours of use of the lit pitches, and the applicant has provided a plan showing that only two of the pitches would be lit (closest to the

school and furthest away from the existing residential development), along with the sports facilities on the education land, which will be conditioned.

It must be noted that the application is for outline permission and therefore the extent of the built form and associated impacts would be fully assessed at any reserved matters phase. The applicant has however identified the proposed maximum heights of the buildings as set out above, which could be limited by condition. Owing to the distances between any proposed built form on the site and the neighbouring residential properties, it is likely that the development could be designed in order not to breach any distance separation or 45 degree guidance.

Members of the public also raise safety concerns regarding impact of the Country Park next adjacent to existing residential boundaries. However, the Police have raised no concerns regarding this matter.

Living Conditions for Future Occupiers

A noise assessment carried out relating to the likely noise environment for the future occupiers of the proposed dwelling. Environmental Health Officers raise no concerns regarding the details provided relating to this matter, and make recommendations regarding the living environment which would be assessed at a reserved matters stage.

The plans are indicative only, however it is considered that the proposed site can accommodate 150 houses and a school building while meeting necessary separation distances within the site and to surrounding properties. The residential use will be compatible with the adjoining residential uses and associated noise and comings and goings are unlikely to be so significant as to warrant refusal of the application.

It is therefore considered that the proposed development meets with Local Plan policy BE3.

Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

There are Grade II listed buildings located to the east of the site, which includes Tachbrook Mallory House and The Grove, including a large detached outbuilding which is listed and listed walls, which are closest to the proposed built form on the site. The Bishops Tachbrook Conservation Area boundary lies to the south of the site, approximately 30 metres from the southern most part of the site, but approximately 570 metres from the proposed built education zone.

The applicant has provided a Heritage Assessment and also further information following a site visit to the nearby listed buildings which state that there would be some harm to the setting of the listed buildings and Conservation Area, but that the harm is considered to be less than substantial.

Objections regarding the proposal consider the following:

- The proposal results in the destruction of rural setting of Tachbrook Mallory House / The Grove.
- The validity of the Heritage Assessment is questioned given the ambiguity of the proposal, and the failure of the Assessor to visit the heritage assets
- The Heritage Assessment has downplayed the significance of the application site to the setting of the heritage assets, and therefore the level of harm.
- The proposal to mitigate the harm through screening will not reduce the level of harm.
- The applicant has failed to provide a clear and convincing justification for the harm it is proposing to the heritage assets.
- The public benefits that the applicant relies on to justify the harm could be achieved in an alternative way which would cause less harm to the heritage assets.

Both the Conservation Officer and Historic England have not objected to the proposal. The Conservation Officer states that the layout proposed would result in good connectivity between the existing development and proposed site, whilst maintaining an important green boundary between the development and urban boundary of Bishops Tachbrook. The Conservation Officer also makes suggestions relating to the design and layout of the proposed school, fencing, lighting and materials, however, as the application is for outline permission, this would be for assessment at the reserved matters stage.

The owners of the listed buildings opposite to the site have provided evidence of the historic layout and setting of Tachbrook Mallory House / The Grove. This indicates that these properties were once one farm house, associated with a large estate of land. There were formal gardens surrounding the site, much of which still exist today, including listed walled gardens. Historic photographic evidence shows that there was a small rectangular parcel of land located within the boundaries of the application site which was sectioned off from the agricultural land. The owners of the listed buildings state that this formed an extension to the gardens serving Tachbrook Mallory House. This is located where the proposed parking area for the school would be positioned on the indicative plans. This piece of land now forms part of the agricultural land and evidence from Google Earth shows that this parcel of land has been agricultural for at least 20 years.

The Conservation Officer confirms that Tachbrook Mallory House, The Grove and the Barracks undoubtedly form an important group of listed buildings and the significance of these buildings are largely derived from their group value as a rural, former agricultural complex, their private courtyard setting and interrelationships between these historic buildings, specifically the Barracks' eastern elevation with its historical connectivity and association with Tachbrook Mallory House. The existing gardens of Tachbrook Mallory House also contribute significantly to the setting and overall significance of these heritage assets.

The site subject to this application is located across Oakley Wood Road, opposing these heritage assets. However, it should be noted that the green buffer proposed shields the development from the Grade II listed 'Barracks', with Tachbrook Mallory House set back from the road by a small courtyard. It is also noted that the built development is moved west and north from the boundary to reduce visual impact. Importantly, the presence of Oakley Wood Road and green buffer proposed both physically divides the heritage assets from the development and offers a level of mitigation that reduces the level of harm to a less than substantial level. The development proposal would cause no adverse impact to the private courtyard or the gardens of Mallory House, as these are not visible to and from the application site.

Therefore, whilst it is recognised that there would be some level of harm to the rural setting of these designated heritage assets, the level of harm is less than substantial, which should be weighed against public benefits arising from the development of the site in accordance with paragraph 196 of the NPPF and Local Plan policy HE1.

Historic England raise no concern relating to the impact of the proposed development on the nearby listed buildings. They do raise some concern to the proposals, stating the development would compromise the retention of the separation of the Conservation Area from the urban extent of Warwick and Leamington Spa. They consider that this will have an impact on the setting of the Conservation Area which will affect its significance. Historic England state that the essential character at the moment is of a village in the open countryside. Historic England consider that the harm identified is less than substantial. It is therefore necessary to consider whether or not the non-heritage benefits of the scheme outweigh the harm to the Conservation Area and the setting of the listed buildings.

Neither the Conservation Officer nor Historic England raise concern relating to the Heritage Assessment provided by the applicant.

It is agreed that the proposal would result in some harm to the setting of the Bishops Tachbrook Conservation Area and the setting of the nearby listed buildings. Historic England consider the essential character is of a village located within the open countryside. Although this would be altered, there still would be physical separation between Bishops Tachbrook and the south of Leamington in the form of the Country Park, which would still retain a strong degree of openness. The new residential element would be positioned immediately adjacent to the existing residential development, which has little impact on the setting of the Conservation Area and would be read in the backdrop of the south of Leamington from the village. Moving the school closer to Bishops Tachbrook would bring the built form closer to the village, however, there would still be a green buffer of 570 metres between the Conservation Area and the start of the built zone identified on the parameters plan.

The Country Park would be extended down to the village, creating a green sustainable link and easier access for the community of Bishops Tachbrook to enjoy. The development proposals would also provide a community use sports facility, which would be easy for the residents of Bishops Tachbrook to enjoy, creating health and wellbeing benefits. Importantly, the site would also deliver the Council's education need as the only deliverable and available site. It is therefore considered that these material public benefits would outweigh the less than substantial level of harm identified.

Bishops Tachbrook Parish Council make recommendations for improvements to the scheme to mitigate what they consider to be harm to heritage assets. However, Officers can only consider the proposals before them.

It is therefore considered that the proposal would be in accordance with the requirements of the NPPF and Local Plan policies HE1 and HE2.

Archaeological Impact

WCC Archaeology have assessed the application. The proposed development lies in an area of significant archaeological potential. The geophysical survey across the site has identified a number of features, including two probable kilns, and a number of features which it has been suggested represent features associated with the deserted medieval settlement of Tachbrook Mallory. There was also a potential for further archaeological features, not detected by the geophysical survey, to survive across the site.

Two phases of trial trenching were undertaken on the site. The northernmost portion of the residential site was evaluated in advance of an earlier phase of development. A second phase of fieldwork was subsequently undertaken in 2018 following pre-application discussions with WCC Archaeology. This examined those parts of the site that WCC Archaeology was advised would be disturbed by the proposed development; the remainder of the site was to remain undisturbed. The results of that trial trenching are detailed in the submitted Archaeology report

submitted in support of the application which identified a brick kiln and a dump of fired material in the northern portion of the site, and a number of features which were interpreted as being related to the area of possible deserted medieval settlement previously identified by the geophysical survey. Further features of mid Iron Age date were also identified in the southern portion of the site.

It has been subsequently suggested, following further research by Prospect Archaeology, that the features initially interpreted as being related to the deserted settlement of Tachbrook Mallory are more likely to relate to formal historic gardens shown on the 1710 which were associated with Tachbrook Mallory House (also known as the Grove), which lies to the east of the application site. This report further concludes that the deserted settlement was more likely to have been located in the vicinity of the medieval chapel incorporated into Chapel Hill Farmhouse to the south, as previously recorded on the Warwickshire Historic Environment Record.

The proposed development will have an impact on the archaeological features which this evaluation has established survive across this site. The archaeological impacts of any development works across the areas evaluated to date could be mitigated by an appropriate programme of archaeological work, secured by an appropriately worded archaeological condition, which will be included.

WCC Archaeology express concern regarding proposed development works outside of the area evaluated to date. The proposed development layout submitted with this application, includes an additional sports pitch to the south which has not been surveyed and there would also likely be landscaping (including tree planting) and other possible groundworks may be necessary across the areas which have not yet been archaeologically evaluated within the Country Park.

Should it be necessary to undertake any works that could have an archaeological impact across the areas which have not yet been evaluated, then an archaeological evaluation by trial trenching should be undertaken so that the impacts that those works may have can be assessed, and an appropriate mitigation strategy developed.

WCC Archaeology conclude that if Officers are satisfied that there is sufficient flexibility in this scheme (including the layout of the landscaping, any flood alleviation or other groundworks necessary across Zones B and D) to enable any archaeological features identified during that further evaluation that are worthy of conservation to be preserved *in situ* then this further evaluation and any subsequent mitigation necessary could be secured by appropriately worded conditions. As the Country Park is in the initial design phases, Officers are confident that the Country Park could be designed to mitigate against harm to items of archaeological importance. Open Space have been made aware of the need for the proposed layout and design of the Country Park to incorporate and mitigate against harm to any items of archaeological importance.

It is therefore considered that the proposal would be in accordance with Local Plan policy HE3.

Impact on Landscape

Objectors consider that the proposal would have a detrimental impact on the character of the rural area. The Parish Council consider that this site is unsuitable due to its elevated position in the rural landscape. Bishops Tachbrook Parish Council consider that the LVIA is poor and does not adequately illustrate the impact of the school from key viewpoints.

The plans that have been submitted are indicative only. The LVIA initially took 9 key vantage points, of which two are from within Bishops Tachbrook and one is adjacent to the village. They have included two additional vantage points from what would be in the Country Park following the feedback from the Parish Council. The viewpoints are considered to be a broad range of vantage points which assess key views towards and from Bishops Tachbrook, and the Country Park.

The LVIA concludes that there would be an impact on the 'Feldon Parklands' landscape as a result of the proposed development. The report states that the effect of the large scale rolling landform around the Tach Brook valley will be slightly diluted, as the agricultural fields within the site are developed for residential, educational and recreational use. The rolling agricultural landscape, which provides the setting for the Tach Brook valley, has a scenic quality which will be weakened by the introduction of built elements inconsistent with the current make-up of the character area. The parkland, historic buildings and farmsteads in this character area give a pastoral, historical quality to the landscape, which will be moderated to some extent by the presence of new housing and large functional school buildings. These adverse effects will be off-set to some degree by the beneficial effects provided by the creation of new blocks of woodland and the planting of hedgerow oak trees, resulting in a minor / moderate adverse level of residual landscape effect. The report concludes that there would be negligible effects on the remaining landscape, such as the residential areas.

The report identifies that visually, there will be moderate adverse impacts of the development from Bishops Tachbrook and some more minor adverse impact from Oakley Wood Road.

The site slopes down from Harbury Lane and the village is not visible from the north. The additional housing would be read in the context of the other granted earlier phases of development in this area and would not appear out of keeping in this context. The parameters plan confirms that there would be a maximum building height of 2.5 stories which is consistent with the existing and approved development within the area. There would also be a strong landscape buffer which is retained all around the site which mitigates the impact of the development.

The parameters plan has been amended to show that the built form on the education site would also be limited to three stories towards the west of the site and two stories towards the east of the site. This is so that the development will be designed in order to respond to the site levels, which are lower to the west of the site, and minimise the impact of the proposed development from views from Oakley Wood Road. The parameters plan also identifies a 30m "no build zone" which runs along Oakley Wood Road along the built zone for education land. This

again seeks to reduce the overall impact of any built development and steps views of the school away from the highway.

Owing to the typography of the land and position of Bishops Tachbrook to the south of the application site, there would be views of the development from the village. However, these views would be across the Country Park and the prevailing character would remain that of open land serving the Country Park. This would be landscaped and take a different form to the current agricultural land, however, it can be designed to be open in character. It is recognised that there would be an impact on the views from Bishops Tachbrook, but owing to the proposed building heights and way these have been designed to respond to the typography, Officers agree that the extent of the impact is likely to be moderate, rather than severe.

It would be appropriate to condition the building heights that have been indicated to set a clear limit for the assessment of the scale and appearance of buildings at reserved matters stage.

WCC Landscape initially raised concern to the proposed development and requested additional section drawings to better understand the impact of the proposed development. These have been provided and WCC Landscape have reassessed the development. They have no objection to the proposal, however, they raise concern that the gap between the south of Leamington and Bishops Tachbrook would become blurred, and will affect the setting of the village. They note urbanising features which would be present in the Country Park, such as lighting and also consider that the playing fields would bring built form closer to the village.

Officers agree that the built form from the south of Leamington would be brought closer to Bishops Tachbrook and that the development would have an impact on the setting of Bishops Tachbrook, reducing the area of farm land between the two settlements. However, Officers do not agree that the playing fields would represent built form and consider that they would retain a sense of openness when viewing the site from the south. The parameters plan specifically identifies that there would be a "build zone" within the education zone to the north of the site, 570 metres away from the village, but there would be no built form, other than fencing to the south of this. The fencing could be adequately mitigated through appropriate landscaping to ensure that the views remained verdant and open.

Furthermore, although lighting would be a matter for the reserved matters phase, appropriate and discrete lighting could be installed which limits it's overall impact, ensuring that the rural nature of the Country Park is retained. Whilst the Country Park would not appear as agricultural land, it would however appear as a verdant and open, providing a defined delineation between the south of Leamington and Bishops Tachbrook. It should also be noted that the Council is offering ownership of the Country Park to the Bishops Tachbrook Parish Council, which would then be leased back to the District Council to manage. This provides additional security that the land immediately to the north of the village would not be built upon.

WCC Landscape make recommendations for consideration at the reserved matters stage, which would be dealt with in a subsequent application in the event that Councillors approve the application.

For the above reasons, whilst it is acknowledged that the development would have a moderate impact the landscape, it is considered that subject to appropriate conditions limiting the height and location of the built form, that the development would not have such a harmful impact on the landscape which would warrant a reason for refusal of the application, given the benefits and need for the development which have already been identified above. It is recognised that the development would impact on the setting of Bishops Tachbrook and the agricultural character of the wider site, however, the need for the development is considered to outweigh this harm.

Highway Safety and Traffic Generation

Objections to the proposal raise concern in relation to the following matters:

- Adding to existing traffic congestion and poor infrastructure will not be able to cope with increased number of housing already approved in the local area.
- Oakley Wood Road is a dangerous road already, with many recent accidents; the development will cause increased danger to pedestrians and cyclists.
- Query regarding the time of the traffic audit carried out as a valid representation of the true traffic situation (outside of rush hour and during school holiday), and use of the pelican crossing.
- Further investigation should be carried out relating to the reliability of traffic modelling data in light of existing developments and impacts on highway networks.
- Query regarding visibility splays.
- The current access is more dangerous than that originally proposed, being close to the Harbury Lane cross roads.
- Students will not cycle or walk to school, as suggested by the transport statement.
- A request is made that cycle routes be segregated from vehicles so staff and pupils at the school have no need to travel by car.

The proposal includes a new point of access which would serve the site from Oakley Wood Road. This would only serve the school and the Country Park; the new housing element would be accessed from the existing residential development from Harbury Lane. The Travel Assessment identifies that the application site is located in an accessible location, within walking and cycling distance of key services and facilities and is well connected by public transport.

WCC Highways have been consulted and have submitted a stance of no objection. They inform that the applicants and their consultants team engaged with the Highway Authority through the pre-application process which enabled the Highway Authority to fully engage in the development of the scheme proposals. During these discussions the Highways Development Management Team involved the Transport Planning Team, Road Safety Team and Traffic Control and Information Systems Team to discuss the access arrangements and whether they are suitable.

The Transport Assessment submitted with the application has assessed the transport implications arising from the proposed development. The assessments within the report have been undertaken in accordance with parameters agreed with the Highway Authority, and the structure and methodology meet the requirements of the NPPF and NPPG. The applicant's transport consultants have undertaken modelling in order to understand the impact the development will have on the operation of the highway network. The methodology for the modelling assessments and scenarios were agreed through pre-application discussions between the applicant and the Transport Planning Team. The modelling demonstrates that the development will have a negligible impact on the operation of the highway network in future year assessments.

The application site forms part of the South Leamington Urban Extension and was fully considered through the Strategic Transport Assessments which support the Local Plan and underpins the transport infrastructure required to support the development as set out in the Infrastructure Development Plan. Therefore it was considered that wider modelling was not required by the Transport Planning Team for this application based on the scale of development, even with the revised location of the school, as this has been considered under Strategic Assessment 4.

The Highway Authority instead required bespoke modelling focused on the signalised junction of B4087 Oakley Wood Road and Harbury Lane. The assessment demonstrated that the highway operated at this location adequately within its operational capacity. Therefore in consideration of the NPPF the Highway Authority has no justifiable grounds on which to maintain an objection as there is no impact which can be considered severe in accordance with Paragraph 109.

The Highways Authority have requested that a financial contribution should be provided which focuses on improving pedestrian and cycle connectivity to the educational uses to create safe routes to school and connectivity for residents of the development site and wider allocation. This would also include resolving the gaps in off-carriageway cycle provision on Harbury Lane, and pedestrian connection from the emergency access from the Oakley Wood development to the signalised junction as at present there is no provision. This would also cover the provision of a signalised crossing on Heathcote Lane between Macbeth Drive and Nightingale Avenue, and pedestrian improvements at the A452 Europa Way / Heathcote Lane / Harbury Lane / Gallows Hill Roundabout Junction.

The Highway Authority has also considered the access arrangements which are provided within the Transport Assessment and supported by a Road Safety Audit. These were reviewed during pre-application discussions. Based on the assessment the Highway Authority is satisfied with the access arrangements, however the arrangement for the school which will be implemented will be subject to condition. WCC Highways also recommend other conditions such as for the provision of a construction management plan and a site layout plan for the residential development.

Whilst the concerns from objectors are noted, as the applicant has demonstrated to the satisfaction of the Highways Authority that there would be no detrimental

impact to highway safety which could not be adequately mitigated and that the development would not generate significant traffic increase, Officers have no material reason to refuse the application on this basis. Parking provision would be assessed at the reserved matters stage.

The proposal is therefore considered to be in accordance with Local Plan policies TR1, TR2 and TR3.

Trees

Objectors have raised concerns regarding the loss of trees on the site. To confirm, the vast majority of the trees across the site, including the important tree line to the eastern boundary of the site, would be retained. Three trees would be removed in order to make way for the proposed access to the education site, but replaced with more across site, thus resulting in a net gain. One of the trees is a "category B" tree, of moderate quality, and two are "category C", of low quality.

Following submission of additional information, the Council's Tree Officer has no objection to the proposal. As the majority of the trees would be adequately protected on site and there would be an overall net increase in the number of trees across the site, the loss of three trees is considered to be mitigated. Conditions will be added to ensure that remaining trees are protected.

Open Space

The parameters plan shows that there will be 4.99 ha of public open space (Zone B) abutting the proposed Country Park to the south (Zone D) and west (approved under other applications). The Country Park is to be designed and delivered by the District Council and it is the Green Spaces' Team's preference to design and deliver the public open space, as part of the wider Country Park design brief, to ensure a cohesive and joined up scheme is achieved. To all intent and purposes the public open space land is part of the Country Park.

The Council's Public Open Space SPD, adopted in April 2019 requires developments of 100 or more dwellings to provide allotments. Part of the current application site is to accommodate the allotments required by W/17/0039 and W/16/2356, however, the proposed layout does not allow for their retention. Instead it is proposed that additional public open space is provided as a replacement, in addition to further land to accommodate the allotments required by this application. The design and location is to be determined and delivered by the Council as part of the wider design for Country Park. In principle this is accepted by the Council's Green Spaces Team, but a financial contribution is required to physically deliver and maintain the allotments, to cover for example, access paths, parking, sheds, water butts, mains water supplies, composting facilities and fencing. The Section 106 agreements associated with the earlier approvals would need to be varied in order to accommodate these amendments and £171.90 per dwelling would be required for the proposed dwellings for the allotment maintenance which would be secured by the Section 106 agreement.

The financial contribution required for the provision of open space for the proposed residential development for this application is still under consideration and Councillors will be updated on this matter prior to the meeting.

For a development of 150 dwellings, the SPD would require the provision of an area for children/youths to be on-site, as provided in other phases. In this instance, if the majority of the public open space is to be designed and delivered by the Council, a contribution could be paid to the Council for its provision within the public open space. This would be £105,000 (secured by the Section 106 agreement) and the Section 106 agreement for phase 2 would also need to be varied to provide a financial contribution in lieu of the approved LEAP which would then be delivered by the Open Space Team. This would be subject to a separate application.

The proposal will put pressure on the Country Park to accommodate a lit, 'safe route to school', which the Green Spaces Team note has not been a consideration in the past and has not been budgeted for. Advice has been sought from the County's Safer Routes to School Team who have confirmed that they would only consider routes along recognised Highways/footpaths and contributions have been requested where appropriate (by WCC Highways). Therefore, Green Spaces Team request for a financial contribution towards a safer route to school through the Country Park would not be reasonable to require from the applicant.

A condition is also requested that requires any future lighting report to consider the impact of lighting paths through the Country Park and public open space, which is considered to be reasonable and will be added.

These contribution requests can be secured through the Section 106 agreement.

Ecological Impact

Objectors to the proposals state that there would be destruction of woodland, fields and wildlife as a result of the proposed development.

WCC Ecology have assessed the application. They note that the existing habitat comprises of arable land, with improved grassland, tall ruderal, areas of scrub, an attenuation feature, ditches, hedgerows, scattered trees, and Tach Brook Local Wildlife Site (LWS).

An Ecological Appraisal was provided in support of the application. WCC Ecology requested additional surveys in reference to bats and nesting birds. These have been provided and WCC Ecology have assessed the information. They note that the provision of a construction and environmental management plan and a combined landscape and ecological management plan, which have been added WCC Ecology consider that the indicative Country Park plans are somewhat ambitious in its quantity and quality of biodiversity enhancements suggested. They, however, currently indicate a residual biodiversity loss of for both the residential and school areas; inferring a potential combined offset contribution of £232,959. However, this loss could be significantly more depending upon the layout of the country park. Therefore, WCC Ecology recommend that a 'Tracking' Biodiversity Offsetting schedule is included in the section 106 agreement. This type of schedule is for multi-phased developments where the actual losses are unknown. It requires a revised Biodiversity Impact Assessment to be submitted

after each reserved matter approval that impacts on biodiversity together with a Biodiversity Offsetting Scheme (or revision of) that details how any losses will be addressed.

WCC Ecology confirm that on the understanding the section 106 agreement for this application will address collective impacts through the reviewing and revision of the Oakley Grove Phase 1 and 2 determined section 106 agreements, then the section 106 agreement will need to cover the residual impacts for skylarks that can no longer be accommodated on the Country Park due to its inability to provide a 'secluded' area of an appropriate size. This will require its own schedule of an additional section within the Biodiversity Offsetting Schedule, which can be addressed.

WCC Ecology have no objection to the proposal, subject to the above matters being captured within the section 106 agreement and the inclusion of conditions, which have been added. The development is therefore considered to be in accordance with Local Plan policy NE2.

Air Quality

The planning statement confirms that the applicant is committed to providing electric vehicle charging points for every property on the residential development and will investigate the provision of electric charging points for the school.

Environmental Health Officers have queried the information provided by the applicant in reference to the impact of the development on air quality. The applicant has undertaken an Air Quality Assessment for the proposed development including an assessment of the impacts on local traffic emissions once the proposed development has been completed and the impact of construction activities. The assessment has concluded that the change in predicted PM₁₀ and NO₂ concentrations at the modelled existing receptors in 2029, following completion of the proposed development, is negligible. However, the initial assessment had not modelled the impacts on traffic emissions at receptors within the Leamington Spa AQMA, and it was unclear from the Transport Assessment what additional volume of traffic is predicted to occur there. Whilst the development is some distance away from the AQMA, Environmental Protection felt that it should be included within the assessment to determine whether any adverse impact is predicted - due to the inclusion of the Secondary School in the development in particular.

The applicant provided the updated information in accordance with Environmental Health Officers requirements, which has been assessed. Environmental Health Officers have confirmed that the information satisfies their concerns and that they have no objection to the proposed development. They recommend the inclusion of a condition requiring that a detailed scheme of mitigation measures which accord with the Council's Low Emissions Strategy, which has been added. The applicant has calculated the scheme's Damage Costs of £464,796 and this sum will be secured through the Section 106 agreement.

The proposal is therefore considered to be in accordance with Local Plan policy NE5.

Drainage and Flood Risk

The site is situated within Flood Zone 1. The supporting Flood Risk Assessment considers that the site is not at risk from flooding but recognises that the use of sustainable urban drainage systems (SUDS) are desirable on new development sites and proposes an attenuation basins. Due to the poor permeability of the ground beneath the site, the recommendation is that soakaways and other infiltration systems are not a viable solution for this site. It is proposed that both of the developed sites will drain into to the nearby watercourse as per the existing fields. Foul sewerage will be passed to Severn Trent Water for connection to the existing adopted network.

The Environment Agency, Severn Trent Water and WCC Local Lead Flood Authority have raised no objection to the proposed scheme, subject to conditions to agree detailed plans. Therefore the proposals are considered to be acceptable in terms of flood risk and drainage. The development is considered to be in accordance with Local Plan policies FW1 and FW2.

Impact on Local Services / Section 106 Contributions

The proposed development would create additional demand for local services and to mitigate this, contributions towards community facilities would be required. Negotiations into the levels of contributions are still ongoing and must be resolved to the satisfaction of the Local Planning Authority before a decision can be issued.

Having considered the available evidence, the requested contributions which are outlined below are considered to be in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. A development of 150 dwellings on this site would have a material impact on or need for affordable housing, education, open space, health care, police services, sports facilities, monitoring costs, and rights of way, employment/training for locals and highway matters.

This is a particular issue given the cumulative impact that is expected from the substantial level of housing growth proposed across the District. It is reasonable to expect a development of this size to contribute towards the additional costs associated with meeting these increased demands. The relevant consultees are currently seeking to identify specific projects and locations where this money would be spent. Therefore it is considered that appropriate contributions are necessary to make the development acceptable in planning terms and subject to being directly related to the development, are fairly and reasonably related in scale and kind to the development (as required by Regulation 122).

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement. At the time of writing, the following requests have been received;

- Acute and Community Health Services – £86,219.94
- GP facilities - £59,045
- Highway infrastructure – £6,000 per dwelling
- Education – £1,540,608

- Libraries – £3,283
- Sustainable travel packs – £10 per dwelling
- Warwickshire Police - £32,639
- Road Safety - £5,490
- Public open space – £171.90 per dwelling for maintenance of allotments for residential development; £105,000 for play equipment; public open space for the residential development TBC;
- Air quality mitigation - £464,796
- Public rights of way – £3,021.30
- Biodiversity offsetting – 'Tracking' Biodiversity Offsetting schedule
- Affordable housing – 40%, of which 36% should be social rented, 37% affordable rented and 27% shared ownership
- Monitoring fee - £7,928

Any additional requests or amendments to the list above will be reported on the update sheet.

The applicant has agreed to all of the above Section 106 contributions.

It is noted that Sports and Leisure have not requested a financial contribution towards the impact of additional housing on sports and leisure facilities. This is because of the associated benefits which could be brought as a result of the school facilities as a result of the proposed development and wider strategic benefits.

The outline plan indicates that the school will have a mix of sporting facilities that are intended to accommodate the needs of the educational element and of the general public, which will be managed by means of a dual use community agreement. Sports and Leisure state that the school must have an agreed Community Agreement with the Council to ensure that community needs are realised and to create clarity and formalisation with respect to community access arrangements for all parties. The Community Use Agreement would confirm matters such as hours of availability, management arrangements, pricing policy, etc. to secure a well-managed and safe community access to sports facilities on the education site. The Community Use Agreement would also secure provisions required for management and maintenance associated with community access for the Country Park.

Sports England have also commented on the application and have no objection, subject to a number of conditions. They have also requested further information in relation to some matters. However, as the application is for outline permission, many of the conditions and requests relate to the reserved matters stage of development, where details relating to the range and number of sports facilities would be known. However, Officers recognise that the community use agreement forms an integral part of the permission, and the parameters of what is expected from the applicant are therefore set out and agreed within the Section 106 agreement.

Other Matters

Reference has been made by objectors that the proposal is contrary to the Bishops Tachbrook Neighbourhood Plan. The Plan is still currently in draft form and has not yet been published. As the Plan is still at the pre-submission stage it has not been submitted to the Local Planning Authority, and as such little weight can be given to it.

Local Plan policy CC3 requires all non-residential development over 1000 sq.m. to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent). It is likely that the school would be over 1000 sq.m. and this would therefore trigger the need for the school to achieve this standard. A condition has been attached to secure these details which will inform the design of the school.

Environmental Health Officers note that the applicant has undertaken a desk study assessment and ground investigation of the site but no soil analysis has been carried out to determine whether contamination is present. The assessment concludes that no further investigation is necessary on the basis of the sites greenfield historic use, supported by trial pitting not identifying any made ground. Officers are still however concerned about the absence of any soil analysis because without this there remains uncertainty as to whether the previous farming use of the land could have resulted in a pollutant linkage. Examples include pesticide/herbicide use, sewage spreading, and ash used as soil improver. Environmental Protection therefore recommend that a condition is attached requiring that site investigation is carried out prior to commencement of works on site.

Objectors raise concern that the village community and status of Bishops Tachbrook is being eroded, stating that there would be conflict with Local Plan policy DS4. Local Plan policy DS4 states that the Council's Spatial Strategy focuses growth within and adjacent to built-up areas. The majority of growth is focused on the main urban areas of Warwick, Leamington, Whitnash and Kenilworth and on the southern edge of Coventry. Allocated housing sites will be expected (amongst other things), to limit development on sites that would lead to the coalescence of settlements to ensure settlement identity is retained. Officers consider that this point limits but does not exclude development, and the open space provided by the Country Park, including the playing field serves to form a clear barrier to prevent coalescence. Further, it conforms with point "b", in that "where greenfield sites are required for housing, they should generally be located on the edge of built up areas in sustainable locations close to areas of employment or where community facilities such as shops, bus services, medical facilities and schools are available or can be made available." Moreover, Policy DS4 is primarily to explain the rationale of the spatial strategy used to allocated the housing allocations and so is of limited relevance for the assessment of this application.

Objectors consider that there would be no economic benefits to the scheme. However, there are likely to be economic benefits such as employment of local trades people for the construction of the dwellings and school and increased spending in the District from more occupants of the residential properties.

Objectors consider that new residents who have purchased houses on estates along Harbury Lane and on Mallory Grange on the basis of information contained

in the adopted Local Plan will have a legitimate complaint against AC Lloyd and the Council that the nearby amenity space they were expecting to enjoy and that was agreed in the s106 agreement for their development, has been removed. As previously stated, it would be lawful for the Local Authority to approve a departure from the Local Plan if material circumstances dictate that this would be acceptable. Notwithstanding this, there has been no overall reduction in the provision of open space for the occupiers of the approved development and there would be easy access to the Country Park which has increased in size as a result of the proposed development, thus improving access to recreation space.

Members of the public have requested that the need for an Environmental Impact Assessment (EIA) should be looked at again. However, none of the relevant consultees have raised concerns with the development that cannot be adequately mitigated, so this confirms that an EIA is not required for the proposed development.

The Parish Council requests that a condition requiring that works should not commence on designing the school until there is a degree of local support, including an independent review of the proposals by a panel of experts. However, adding a condition of this nature would not be reasonable; gauging whether there is a "degree" of local support is subjective and requiring that an independent review of the proposal is carried out by experts is onerous.

WCC Fire and Rescue have expressed concern regarding the proposed development, stating that the plans do not indicate that the required standards for emergency vehicle access. Officers spoke with the Fire and Rescue Team who stated that they particularly had concerns regarding the proposed access to the school and proximity to the Oakley Wood Road / Harbury Lane junction. However, WCC Highways have raised no concerns relating to the highway safety of the junction. Furthermore, the Water Officer from WCC Fire and Rescue has also submitted comments and do not object to the proposal, subject to a condition for the provision of adequate water supplies and fire hydrants prior to occupation of the development which is acceptable and will be added.

Concern has been expressed that the allowing the proposal would set a harmful precedent for future development which is contrary to the development plan. However, the proposed development is as a result of unprecedented circumstances relating to education need. Each application must be determined on its own merits and there would have to be strong justification for departure from the Local Plan in the future.

SUMMARY/CONCLUSION

The NPPG states that "the development plan is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise". Therefore, a departure from the Local Plan would be lawful, but only if material circumstances exist which would justify such a departure.

It is considered that there is a well-justified education need for the development which has been adequately demonstrated. A clear site options assessment was made and it concludes that this is the only available site. The housing development is required in order to provide this education need, which the NPPF states should be given great weight.

The development is considered to have a moderate level of harm on the landscape. It is also acknowledged that bringing the built form closer to Bishops Tachbrook would have a detrimental impact on the setting of the Conservation Area and nearby listed buildings. This harm is less than substantial so has to be weighed against any public benefits derived from the scheme. Providing a community use facility which would have health and wellbeing benefits, providing a wider range of facilities than the current Country Park and increasing its overall size, creating a sustainable green link which provides easier access to the Country Park and south of Leamington and meeting the education needs which the Council are required to provide are all material public benefits which Officers consider outweigh the level of harm identified.

The development would also deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site is in a sustainable location adjacent to the urban area and will be integrated into the existing settlement by sustainable transport links.

The applicant has been able to demonstrate that the development would have an acceptable impact on the highways network, subject to financial contributions. It has been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of sustainable infrastructure improvements by way of financial contributions.

In the particular circumstances of this application, it is considered that a departure from the Local Plan is justified. The provision of adequate education facilities to meet the Council's education requirements carries substantial weight and the benefits which would be brought about as a result of the development, including the increase in the size of the Country Park and community use facility are considered to be significant. It is therefore concluded that planning permission should be granted.

CONDITIONS

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s)

(hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. The landscaping plans should be informed by the results of the archaeological evaluation secured by condition 12. **REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 The development hereby permitted shall be carried out strictly in accordance with the parameters plan 0301 Rev P-07, and specification contained therein, submitted on 19th September 2019. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 5 No development of the school playing field area shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
 - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing fields which identifies constraints which could affect playing field quality; and
 - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing fields will be provided to an acceptable quality and within an agreed timeframe. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the timeframe agreed with the Local Planning Authority pursuant to (ii) above. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme. **REASON:** To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord Warwick District Local Plan policy HS5.

- 6 **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 7 Each phase of the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan for that phase has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and Policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 8 No reserved matters application shall be submitted more than 18 months after the completion of each of the protected species surveys that were submitted as part of the outline planning application unless and until:
- an updated survey for that species has been carried out; and
 - a report detailing the results of the survey and any recommendations in relation to mitigation measures or restrictions on the layout of the development has been submitted to and approved in writing by the local planning authority.

Any mitigation measures approved under this condition shall be implemented in full. Any reserved matters application shall accord with these mitigation measures.

REASON: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2029.

Note: The outcomes of the surveys are likely to have implications for the design and/or layout of the development.

- 9 No phase of development shall take place until: -
1. (a) A site investigation for that phase has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

(a) A risk assessment to be undertaken relating to human health

- (b) A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model
 - The development of a method statement detailing the remediation requirements
- (b) The site investigation for that phase has been undertaken in accordance with details approved by the planning authority and a risk assessment has been undertaken.
- (c) A method statement detailing the remediation requirements for that phase, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the planning authority prior to the remediation being carried out on the site.
2. All development of the phase shall accord with the approved method statement.
3. If during development of that phase, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
4. Upon completion of the remediation detailed in the method statement for that phase a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

- 10 No phase of the development hereby permitted (including any works of demolition) shall commence unless and until a construction method statement for that phase has been submitted to and approved in writing by the local planning authority and the development shall only proceed

in strict accordance with the approved details. The statement shall provide for:

- A construction phasing plan
- A HGV routing plan
- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- 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.

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

- 11 No development shall take place across the area of the site identified in the document entitled "Oakley Grove Phase 3 Harbury Lane, Royal Leamington Spa, Archaeological Evaluation Report October 2018" (submitted at appendix 5 of the Heritage Assessment) and indicatively shown hatched in blue on the figure titled 'W/19/1030 – Archaeological Plan' until 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 Local 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 Archaeological Mitigation Strategy document. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and/or protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

12 No development works, including planting and other landscaping, shall take place across the area of the site that was **not** evaluated and identified within the "Oakley Grove Phase 3 Harbury Lane, Royal Leamington Spa, Archaeological Evaluation Report October 2018" (submitted at appendix 5 of the Heritage Assessment) and indicatively shown hatched in pink on the figure titled 'W/19/1030 – Archaeological Plan' until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across that area has been submitted to and approved in writing by the Local 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 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 Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of any development works, including landscaping across the area highlighted in pink on figure titled 'W/19/1030 – Archaeological Plan' 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 those documents. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and/or protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 13 No phase of the development shall take place until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles, the approved FRA and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the phase of development is completed. The scheme to be submitted shall:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate for the site.
 - Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

REASON: To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011 - 2029.

- 14 No phase of development shall commence until details of foul water drainage for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **REASON:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy FW2 of the Warwick District Local Plan 2011-2029.
- 15 No phase of development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards for that phase will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON:** To ensure Secured by Design

standards are met, in accordance with Policy HS7 of the Warwick District Local Plan 2011 - 2029.

- 16 The school development hereby permitted shall not be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. The school development shall not be occupied unless and until a completion stage assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. **REASON:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

- 17 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 18 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **REASON:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

- 19 No lighting shall be installed on the site until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The details must include:
 - a layout plan detailing the position and type of the proposed lighting for both the construction and operational phase lighting. This should incorporate a zone of influence contour plan showing illuminance levels in relation to residential receptors prior to work starting. The lighting assessment should provide maximum vertical illuminance levels at nearby residential receptors.

- mounting heights and beam orientation, description and type of luminaries / lamp and angle of lighting and predicted light spill/ trespass beyond the site.
- steps taken to minimize light trespass, glare and sky glow.
- proposed time of operation of the lighting in the scheme including details of any control such as movement detectors and timers and a CMS (Central Management System).
- purpose of the lighting – e.g. general amenity , security, advertising.
- how the lighting has been designed to mitigate harm to protected species.

The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029.

20 **REASON:** To ensure the protection of important habitats during development in accordance with Policy NE2 of the Warwick District Local Plan 2011 - 2029.

21 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

22 No part of the education phase shall be occupied until the detailed drawings for the layout of the access arrangements have been laid out, constructed and implemented in accordance with drawing 20232-02 Rev D. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 23 No part of the development shall be occupied until the detailed drawings for the layout of the access arrangements have been laid out, constructed and implemented in accordance with drawing 20232-04. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 24 Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects within the first planting season following the first use of the dwellings save that the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 25 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted . Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 26 The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission. **REASON:** To ensure the provision of adequate affordable housing in accordance with the advice contained within the National Planning Policy Framework and Policy H4 of the Warwick District Local Plan 2011-2029.

- 27 The building heights shall not exceed the heights set out in the approved parameters plan 0301 Rev P-07. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 28 Prior to submission of any reserved matters application a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To provide a satisfactory noise environment for the future occupiers of the development in accordance with Policy BE3 of the Warwick District Local Plan 2011 - 2029.
- 29 The sports pitches shall not be used after 21:00 and before 08:00, except for the pitches shown on drawing 0305 P-00 submitted to the Local Authority on 27th September 2019 which shall not be used after 21:00 and before 07:00 Monday - Friday inclusive and before 08:00 Saturday and Sunday. **REASON:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 30 No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with FW2 of the Warwick District Local Plan 2011 - 2029.
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