

Application No: [W 22 / 0348](#)

Town/Parish Council: Warwick  
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Expiry Date: 24/06/22

**New Teaching Block, Myton School, Myton Road, Warwick, CV34 6PJ**

Erection of a two storey teaching block with associated landscaping and parking, following the demolition of a single storey brickwork derelict caretakers bungalow and single storey brickwork cycle storage enclosure. FOR Myton School

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This application is being presented to Committee due to the number of objections and an objection from the Parish/Town Council having been received.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed in the report.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of a two storey teaching block with associated landscaping and parking, following the demolition of a single storey disused caretakers bungalow and single storey cycle storage enclosure. 25 car parking spaces are proposed, with 4 bus / coach spaces, and cycle storage. The existing access to the site would be retained.

The applicant advises that the proposed building is designed for 550 pupils plus staff, however this does not reflect the total increase in school occupancy. The proposed development would increase the capacity of the 6th form by 162 pupils to accommodate the predicted demand over 5 years. The whole capacity of the school (including 6th form) would increase from 1,760 (current student population which is already 60 students over the school’s current capacity) up to 1,950 over 5 years, resulting in **a total increase in student capacity of 190 pupils**. 2 temporary huts would be demolished as part of the school's longer-term master plan due to their poor condition.

The proposed development would accommodate teaching rooms, cafe, informal study spaces, and meeting and administration rooms.

**THE SITE AND ITS LOCATION**

The application site forms a small portion of the Myton School site. This land, along with the rest of Myton School is designated within the Local Plan as a Major Education Allocation. The site is located in Flood Zone 1 and is within the urban area of Warwick.

The site is accessed from Myton Road and is adjacent to playing fields/courts to the west and a row of residential properties to the immediate east. Residential properties are also located opposite the site. A National Cycle Network Route runs in front of the school along Myton Road.

The area of land to which this application relates is at the very north of Myton School, adjacent to the highway. The site currently benefits from an informal parking area and turning circle area for vehicles, redundant caretakers bungalow and single storey cycle storage building.

### **RELEVANT PLANNING HISTORY**

The school was built in the early 1960's, and there have been various applications for extensions and temporary classrooms, as well as detached sports buildings, etc. Only the following application is considered to be directly relevant to the assessment of this application:

W/13/1322: planning permission granted for the demolition of the existing 6th form common room, caretakers bungalow and cycle store and erection of new post 16 centre together with creation of new access and car parking, multi-use games area and playing fields.

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- DS12 - Allocation of Land for Education
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS2 - Protecting Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- FW2 - Sustainable Urban Drainage
- FW4 - Water Supply

- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

#### Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Objection, whilst accepting the need for improvement of the facilities of the school, we consider that, given the local disturbance already generated by the school and the uncertain calculation and reasoning of the forecast future of the daily numbers in occupation at the school, under Section 12 of the NPPF, this development does not positively contribute towards making places better for people in that it fails to take opportunities for improving character, the quality of the area and the way it functions.

**Environment Agency:** No objection.

**Warwickshire Fire and Rescue:** No objection, subject to condition.

**WCC Infrastructure:** No contributions required.

**Environmental Protection:** No objection, subject to conditions.

**WCC Ecology:** No objection, subject to conditions.

**WCC LLFA:** No objection, subject to condition.

**WCC Landscape:** Neutral, makes various recommendations.

**WCC Highways:** No objection, subject to conditions.

#### **Public Responses:**

##### **25 Objections:**

- Transport Appraisal: draft document, reliance on Google Maps Traffic Data not acceptable, inadequate information on mode of transport survey data and is insufficient, road traffic information misleading, reference to future cycle and vehicle connections should be removed as they have not been constructed, existing cycling and walking connections to nearby areas are inadequate, lack of consideration of the use of the proposed development for 180 Oakley

Grove pupils in Sept 2023 for temporary period, data on travel modal shift is unrealistic and unreliable.

- Loss of bike store will increase vehicle movements.
- Lack of cycle path through school site - children will have to travel on roads and will discourage pupils from cycling to school.
- Cycle path to run alongside nearby residential properties - should be removed and considered separately.
- Insufficient parking provision - increase nearby parking stress - parking requirement should be based on evidence of school as existing, not nationally prescribed standards.
- Significant impact on existing congestion - impossible for emergency services and carers etc to get through when roads are so busy. This could potentially jeopardise people getting help.
- Buses exiting using the main drive which is used by pedestrians will be dangerous.
- Site too small to accommodate buses.
- Loss of set down area.
- Loss of green area.
- Flood Risk Assessment: technical concerns regarding proposed surface water drainage solutions, inaccuracies, the proposal is likely to result in increased surface water flooding, inadequate information on sewer capacity within wider site and area.
- Lack of overall master plan for whole site - lack of consideration of site as whole and associated infrastructure required.
- Unclear aims for building - whether it will be a teaching block or 6th form centre, and lack of transparency about using the site as temporary facility for Oakley Grove pupils when new primary school is under construction. The building is too large for number of proposed pupils.
- Design: overdevelopment - building is too large for stated aims, design out of character with the local area.
- Impact on amenity: loss of privacy, will add to existing congestion causing noise disturbance, overshadowing, loss of light, overbearing.
- Trees felled on site and hedges and shrubs removed agreed of ecological survey work and planning permission.
- Land is available to the rear of the site for development.
- Increased air pollution. Figures in air quality mitigation statement out of date - traffic needs to be urgently reduced in this area and development should not be permitted until better mitigation measures put in place.
- Concerns regarding security of the site. Anti-social gatherings. Security lighting should be sensitive to neighbours.
- Suggestion that reduced size building further away from neighbouring residents relocated, with new bus entrance off Auxiliary Way would be better. Traffic appraisal should be reviewed with local residents with consideration given to secure site.
- It would make more sense to build the rear access to the school and football club where parents can drop off and pick up students and also the foot and cycle path for students to use, before building the block.
- Lack of consultation with residents on pre-application submission. The pre-application submission shows wider aspirations for the site which should be

considered under the current application, which cannot be considered in isolation.

- Application approved for similar development in 2013 (W/13/1322) was much more sympathetic design and had local support.
- Flat roofs are notoriously subject to leaks while a pitched roof naturally drains and the south facing side would lend itself to solar panels which could provide some running cost mitigation.
- Documents unclear and misleading. References to care home should be removed and considered separately.
- It flies in the face of both Warwickshire County Council's and Warwick District Council's Climate Emergency declarations:
  - It does not meet the needs of current and future generations of children in terms of understanding the need for buildings to be truly zero carbon in use.
  - It does not address the challenge of reducing energy costs during the operation of the building
  - BREEAM outstanding should be achieved rather than "very good" - WCC should aspire to better.
- Lack of information on ventilation and which Building Regulations for the development.

#### 1 Support:

- increased and enhanced opportunities for education - we should support improvements for schools;
- unlikely that cafe will attract anti-social behaviour and will represent improved facility for pupils;
- existing 6th form provision is inadequate and spaces created will be filled - additional classrooms are justified;
- traffic concerns not just related to Myton School and should be addressed more widely.

### **Assessment**

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

- The Principle of the Development
- Design
- Impact on amenity of nearby uses
- Car Parking and Highway Safety
- Air Quality
- Climate Change / Sustainability
- Ecological Impact and Trees
- Drainage and Flood Risk
- Other Matters

#### Principle of the Development

The application site forms part of one of the Major Education Allocations (ED1) in the Local Plan. Policy DS12 states that this land is allocated for educational uses

and other compatible uses. This includes the provision of a secondary school, 6th form centre and, if deemed the most appropriate location, a primary school. The proposal is for a teaching block / 6th form centre.

A supporter of the proposal has stated that it represents increased and enhanced opportunities for education, which should be supported. They note that the existing 6th form provision is inadequate and spaces which will be created will be filled, concluding that the additional classrooms are justified. Objectors however have raised concerns regarding unclear aims for building, and whether it will be a teaching block or 6th form centre. They state that there is a lack of transparency about using the site as temporary facility for Oakley Grove pupils when a new primary school is under construction and that the building is too large for the number of proposed pupils.

However, given that this land is allocated as a major education site and the proposal is wholly for education purposes, the development is considered to be acceptable in principle. The proposal is for a teaching block as it includes classrooms, but also provides facilities for a 6th form hub for students. It should be noted that paragraph 95 of the NPPF asserts that 'great weight' should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications. Whilst the size and associated number of additional pupils which the development would attract are relevant to other planning considerations, the principle of expanding the school for teaching and 6th form purposes on this allocated education site is acceptable in principle for the aforementioned reasons.

Officers understand it is the intention of the applicant that the building would be used on a temporary basis to accommodate pupils whilst a new primary school is being constructed for Oakley Grove School from 2023. This would not need permission and represents the choice of the applicant to use the development lawfully, if approved. The applicant for example, could use any of the existing school buildings on the site for the same purpose without any permission required from the Local Planning Authority. On this basis, this matter is not considered to be material to the assessment of the application, which should be assessed on the basis of what is proposed.

### Design

The NPPF places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural

environment does not detrimentally impact the character of the local area. Policy NE4 states that new development will be permitted that positively contributes to landscape character. Development proposals will be required to demonstrate that they avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement, or area.

Members of the public have commented that the proposal represents overdevelopment, that the building is too large for stated aims, and is out of character with the local area. The Town Council has objected and states that the proposal is contrary to Section 12 of the NPPF, as the development does not positively contribute towards making places better for people in that it fails to take opportunities for improving character, the quality of the area and the way it functions.

The application site forms part of Myton School, which benefits from existing buildings. The existing caretakers bungalow and single storey cycle storage enclosure would be demolished as part of the proposal. These are buff brick structures of limited architectural quality set back within the site, so do not contribute to the street scene. There is an existing hedgerow at the front of the site which obscures views of the turning circle and parking area which the site currently benefits from. There are small pockets of soft landscaping and trees within the site boundary. The majority of the buildings serving the school are set back much further into the site and are of a simple design.

Within the wider area, to the north and east, this is predominately residential, characterised by two storey detached dwellings, which are generally red brick and render. To the west are playing fields, some residential properties and Warwick School. The buildings serving Warwick School tend to be of a larger scale, notably those which front the street scene. An impressive historic red brick building of four stories in height dominates this section of the street scene, along with more modern, glazed elements of the school. There is however a sense of separation between Warwick and Myton School, as they express different architectural qualities and the physical distance between them and intervening features ensure that they are not read as one.

The proposed design would be a two storey, flat roof building which is stepped away from the frontage. The proposal benefits from a large glazed atrium at the front which is stepped in from the frontage. The use of a mixed palette of contemporary materials and brick banding, along with louvers and inset windows provides architectural interest and definition. Furthermore, the use of glazed projections at either end of the building also provides further visual interest. This is considered to provide a comprehensive development which has responded to Officer feedback.

The set back from the highway, whilst not following the "building line" of the existing residential properties, is not considered to be harmful to the street scene. The existing development within the site is already well set back with the site, and furthermore, the development is clearly read as an education building which has been designed to suit its purpose. It is therefore not read directly in the context of the adjacent housing development, and is not considered

necessary to insist that the development is set forwards. Moreover, positioning the development further back within the site also reduces the overall impact of the development in terms of its scale on the street scene.

The proposed development does not fill the width of the site and it is not considered to be excessively high, at 8 metres to the ridge height. The development for these reasons is not considered to represent overdevelopment of the site.

Materials can be covered by condition to ensure a high quality development which would sit comfortably within the street scene.

WCC Landscape made comments on the application, asking if anything could be done to visually break up the mass of the building, suggesting that a green wall could be included to soften the impression of the front elevation. However, the agent has confirmed that this would not be compliant from a building regulations perspective. Officers are also mindful that this is a built up urban area, and that the development is set back within the site, behind an existing hedgerow which will in the main be retained. The development is not considered to be overly large or dominant, and reads appropriately in this urban setting. The amendments to the elevations of the building are considered to provide visual interest, and are considered to break up the mass of the property.

The Landscape Officer had some other comments and recommendations regarding the proposed planting species, however, the detailed landscape designs can be controlled by condition.

Therefore, it is considered that the development complies with Local Plan policy BE1 and the NPPF.

#### Impact on amenity of nearby uses

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. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

187a Myton Road is positioned closest to the proposed development. This neighbour has strongly objected to the proposal as being unneighbourly and harmful to amenity. Other members of the public also raise similar concerns, noting a loss of privacy, noise disturbance, overshadowing, loss of light, and an overbearing form of development.



The proposed development would be set back from the neighbour's property, further towards the south of the site and is set in 12 metres from the shared boundary with the neighbour. The building would be two storey, equating to 8 metres in height. There are windows which face eastwards serving a stairwell which would face towards the neighbour's garden. A condition has been added to permanently obscure glaze these windows to protect the neighbour's privacy.

187a Myton Road has a first floor side facing window which faces the site, however, this does not serve a habitable room and in any event, the proposed development is set back within the site, therefore light and views out of this window would not be unacceptably curtailed. There would be a conflict of the 45 degree rule from the ground and first floor windows serving the neighbour's property. However, in accordance with the requirements of the Residential Design Guide, any breach which occurs more than 8 metres from the window of a habitable room is considered to result in an acceptable impact on living conditions. In this instance, the breach is approximately 20 metres from the windows serving the rear elevation of 187a Myton Road, which is well in excess of the 8 metre minimum distance.

Some concern was expressed by Officers regarding the potential for the proposed development to cast a shadow on the private amenity area serving 187a Myton Road. The applicant was asked to provide a professional Daylight and Sunlight Study, which was accommodated. This not only considered the impact of the development on light in the garden area, but also to the windows serving 187a Myton Road. When considering overshadowing to gardens and open spaces, the BRE (British Research Establishment) Site Layout Planning for Daylight and Sunlight Guide states: *It is recommended that, for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March.* This document is a guide to good practice, which is widely used by Local Authorities to help determine the impact of new development.

The Study shows that all of the windows which could be potentially impacted as a result of the proposed development would still retain an appropriate level of light following the erection of the proposed development. It also shows that there would be very limited overshadowing, only a small section of the garden at 18:00, leaving the rest of the day unaffected. It is also significantly less than half of the garden which would be affected. The Study concludes that the development would have an acceptable impact on the neighbour, and Officers have no reason to conclude otherwise in this regard.

The neighbour expressed concerns regarding overshadowing from proposed trees located next to the shared boundary. These have been subsequently removed from the landscaping scheme in order to address this concern. The neighbour has also raised concerns that their fence may become damaged by ivy as an invasive plant or the proposed hedge. However, this would be a private matter between the school and the neighbour.

The proposal will result in a modest intensification of the school as a whole. It however does not propose any outdoor play areas for children for example,

which would likely generate noise disturbance nearby to existing residential properties. The existing site is used as a bus drop off area, and it would be used similarly as a car parking and bus parking area as proposed. Considering the established use of the site and the aforementioned conclusions, it is considered that the level of intensification of the use of the site is acceptable.

Other residential properties within relatively close proximity of the site are further away from the proposed development, and separated by the highway. It is considered that the impact on these properties is acceptable.

The Environmental Health Officer has assessed the application and notes that the proposed development includes the installation of a louvered plant enclosure at roof level. To ensure that the operation of external plant and equipment does not have an adverse noise impact on nearby residential uses, they recommend that a planning condition be applied to require that plant is installed and maintained at an acceptable level. This has been added.

The Environmental Health Officer also recommended a condition for a construction management plan to protect neighbouring residents during the demolition and construction phases of development. This document has been provided during the course of the application and the Environmental Health Officer recommended that some changes were made to it. A revised version of the construction management was provided by the applicant, which the Environmental Health Officer has confirmed is acceptable. The document has been conditioned.

Therefore, it is considered the development would have an acceptable impact on neighbouring amenity and that the proposed development complies with Local Plan Policy BE3.

#### Car Parking and Highway Safety

Members of the public have raised various concerns regarding the impacts of the development on highway safety, congestion and parking arrangements as follows:

- Transport Appraisal: draft document, reliance on Google Maps Traffic Data not acceptable, inadequate information on mode of transport survey data and is insufficient, road traffic information misleading, reference to future cycle and vehicle connections should be removed as they have not been constructed, existing cycling and walking connections to nearby areas are inadequate, lack of consideration of the use of the proposed development for 180 Oakley Grove pupils in Sept 2023 for temporary period, data on travel modal shift is unrealistic and unreliable.
- Loss of bike store will increase vehicle movements.
- Lack of cycle path through school site - children will have to travel on roads and will discourage pupils from cycling to school.
- Cycle path to run alongside nearby residential properties - should be removed and considered separately.

- Insufficient parking provision - increase nearby parking stress - parking requirement should be based on evidence of school as existing, not nationally prescribed standards.
- Significant impact on existing congestion - impossible for emergency services and carers etc to get through when roads are so busy. This could potentially jeopardise people getting help.
- Buses exiting using the main drive which is used by pedestrians will be dangerous.
- Site too small to accommodate buses.
- Loss of set down area.
- Existing 6th form pupils park in nearby residential roads which needs to be rectified.

A supporter of the proposal considers that traffic concerns not just related to Myton School and should be addressed more widely.

### *Highway Safety and Traffic Generation*

Local Plan policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles.

WCC Highways have assessed the application and note that the application is supported by a Transport Assessment, which although marked as draft, contains sufficient information for Transport Planning to make a full assessment of the proposal.

Transport Planning are mainly concerned about the potential impact during peak travel periods in the morning and note that the application accounts for 164 students. This increase represents an additional 48 trips in the peak morning travel period (41 students and 7 members of staff), therefore they consider that the impact would be minimal and do not require further microsimulation modelling. In respect of this matter, the Highway Authority is satisfied that there will not be any safety or capacity concerns on the network from this proposal.

Officers queried with the Highways department regarding the quoted 164 student number increase, as it is understood that the capacity which the school will be increased by is 190 pupils. WCC Highways confirmed that this difference in student numbers of 26 on the highway network would have a negligible impact, so their conclusions remain the same.

Given that the Highways Authority are satisfied with the information provided, whilst the concerns of residents regarding highway safety and traffic generation are noted, as it has been demonstrated that there would not be a severe adverse impact on the highways network, the proposal is considered to be acceptable and policy compliant. Comments regarding the impact of the use of the site to accommodate Oakley Grove Primary school are not considered to materially affect the application, for the reasons already stated above.

## *Parking*

Two existing teaching huts will be removed from the wider site, which accommodates 6 classrooms. Therefore, the net overall increase in classrooms is 12 teaching rooms. In accordance with the Council's Vehicle Parking Standards, the car parking requirement for the proposed development is 24 spaces.

25 car parking spaces and 4 bus parking spaces are provided with the development. This meets the parking demands generated as a result of the development as a whole in accordance with the Council's Vehicle Parking Standards. One additional space is provided over and above the standard requirement. Given the parking concerns raised by members of the public, this overprovision of one space is considered to be acceptable.

Furthermore, given that the parking provision being acceptable relies on the demolition of two temporary huts, a car parking management strategy will be conditioned to ensure that during the transitional phase between the development being occupied by the school (2024/25) and the huts being demolished (2025/2026), car parking is adequately managed as to not lead to additional parking on nearby residential streets.

Members of the public note that 6th form students park within nearby residential streets, which needs to be addressed. However, only the parking requirements for the proposed development can be considered as part of the application. Whilst it is suggested that the Vehicle Parking Standards should not be followed and that parking requirements should be assessed on evidence of parking at the school at present, the development meets with the standards set out in the guidance, which covers the provision of parking for students. Officers have no material reason to deviate from the requirements of the standards.

The site currently benefits from a turning circle and informal parking area for buses. It is understood that currently this has capacity for 5 buses. Whilst there would be a reduction of one space in comparison to the existing arrangement, the applicant advises that in the morning, they have 5 buses and 1 minibus dropping off - all at different times. In the afternoon they have 4 buses and 1 minibus picking up - all should arrive by 3.25pm. However, very rarely (if at all) are all 4 buses and the mini-bus waiting at the same time. If this did occur, then there is additional space where the bus and mini bus could wait within the site, thus not impacting on the highway network. WCC Highways have raised no concerns regarding buses entering or leaving the site, or the number of spaces provided.

In terms of cycle parking, the requirement for the proposed teaching block is 66 spaces. The proposal also includes the removal of an existing cycle store. A survey of the existing cycle store was carried out to understand how many pupils/staff were using this facility, which was reported as 84 bikes. This generates a total demand of 150 bikes as a result of the development. There are replacement bike storage units proposed to accommodate 120 cycles elsewhere on the site.

The Transport Statement has looked at the current number of students who cycle to school, which is stated to be 20%. Therefore, approximately 38 pupils of the projected increase of 190 pupils are likely to cycle to school. Therefore, when calculating the projected demands, plus the existing demands, 122 cycle spaces are required. Given that WCC Highways have requested a condition for a Travel Plan which will monitor the travel modes to the site, and it would be feasible to provide additional storage within the site boundaries if needed, on balance, the proposed cycle storage provision is considered to be acceptable. This has been controlled by condition.

In reference to comments on a lack of cycle path through the school site. This is the existing arrangement, and it is noted that Myton Road forms part of the national cycle network.

### Air Quality

The applicant has submitted an air quality mitigation statement which identifies that the development is classified as a medium scheme in accordance with the Warwick District Council Air Quality and Planning supplementary planning document (AQ SPD) (2019). Therefore Type 1 and Type 2 mitigation measures would be necessary. The applicant's air quality mitigation statement proposes the installation of 3no. 32 amp electric vehicle charging points and measures to encourage future modal shift. These measures would be sufficient to address the requirements of the AQ SPD and therefore the Environmental Health Officer recommends that these proposals are secured by a planning condition. This has been added.

Members of the public have raised concerns regarding the impact on air quality and have stated that the figures in the air quality mitigation statement are out of date. This was queried with the Environmental Health Officer who stated that the commentator appears to be referring to the recently revised World Health Organization (WHO) air quality guidelines. The Government are currently holding a consultation on the implementation of these revised guidelines, however at the time of writing, the national air quality objective levels have not been changed. Myton Road has not been declared as an air quality management area or suspected of breaching the national air quality objective level for nitrogen dioxide that would necessitate monitoring. Given that the proposed development does not exceed the criteria for a full air quality impact assessment under the Air Quality and Planning SPD, they do not believe that further works are required at this time.

Officers agree with the conclusions of the Environmental Health Officer and that, subject to the aforementioned condition, the development would have an acceptable impact on air quality.

### Climate Change / Sustainability

As the proposal results in the construction of over 1,000sqm of non-residential floorspace, a pre-assessment stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed

to achieve a minimum BREEAM standard 'very good' is required. This was provided by the applicant which confirms that the development could meet 'very good' BREEAM standard required. A condition will be imposed to cover the requirement for additional information relating to the design stage and to ensure that the development is carried out in accordance with the details submitted.

Local Plan policy CC1 states that all development is required to be designed to be resilient to, and adapt to the future impacts of, climate change through the inclusion of the following adaptation measures where appropriate:

- a) using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- b) optimising the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading, in accordance with Policy NE1;
- c) incorporating water efficiency measures, encouraging the use of grey water and rainwater recycling, in accordance with Policy FW3;
- d) minimising vulnerability to flood risk by locating development in areas of low flood risk and including mitigation measures including SuDS in accordance with Policy FW2.

Point c) above references policy FW3 which relates to residential development, so is not applicable to this application. In terms of point d), the development would be located in Flood Zone 1, with the lowest risk of flooding. The LLFA have also assessed the proposed surface water drainage details and deemed these to be acceptable. The proposal is therefore considered to meet the requirements of point d). In terms of points a) and b) above, these matters can be controlled by a condition for a sustainability statement, which has been added.

Members of the public have objected on the basis that it does not meet the needs of current and future generations of children in terms of understanding the need for buildings to be truly zero carbon. They suggest that it does not address the challenge of reducing energy costs during the operation of the building. Objectors state that BREEAM "outstanding" should be achieved rather than "very good", and that the development would not meet the aims of the Council Climate Change Emergency Declarations.

An important distinction needs to be made between the Council's Climate Change Emergency Declaration as a declaration from a public body, and the requirements of the Local Plan as the adopted Development Plan, only the latter of which this application can be assessed against. The NPPF and Local Plan do not have a requirement for the proposed building to be net carbon zero. What must be considered is whether the development meets the Local Plan requirements. The is to achieve BREEAM standard 'very good', which it does.

Members of the public also state that there is a lack of information on ventilation and which Building Regulations the development will seek to meet. Building Regulations are not a material planning consideration. The condition proposed to address the requirements of Local Plan policy CC1 will consider ventilation and therefore is considered to adequately address this matter.

The development is therefore considered to be in accordance with Local Plan policies CC1 and CC3.

### Ecological Impact and Trees

The landscape plan shows that 4 trees will be removed from the site, these are category C or U value, of lower value or unsuitable for retention. Part of the hedge at the front of the site would also be removed, this is of lower value. Replacement planting is proposed in place of these losses. The Tree Officer has assessed the application and states that they have no objection to the development. He notes that the two yew trees and one cherry tree that were at risk were described as being of low quality, and that the roadside hedge would only require a slight reduction in its overall length to allow access to the site, and the internal hedge G21 provided limited public amenity.

The Tree Officer recommends a condition for the provision of an Arboricultural Method Statement for the protection of all retained trees at the site. This is considered to be reasonable and necessary for the purposes of the development and has been added.

WCC Ecology initially raised queries regarding the number of trees to be impacted, requested information on habitats contained within the site and requested that a Biodiversity Impact Assessment was provided. A Preliminary Ecological Appraisal was provided which gave the Ecologist sufficient information regarding habitats and the impact on bats from tree and shrubs.

A Biodiversity Impact Assessment was provided which has been assessed by WCC Ecology. They had a small number of queries regarding the submitted information which the applicants have provided additional clarification on. WCC Ecology have confirmed that on balance, they consider the biodiversity assessment to be acceptable, which demonstrates a net gain. They recommend that a Landscape and Ecological Management Plan is conditioned to secure the net gain, which has been added.

Owing to the existing site and potential to accommodate protected species, WCC Ecology also recommend a condition for a protected species method statement, which has been added. Finally, they have recommended a condition which secures the provision of details relating to external light fittings, in order to protect bats. This has been added.

It is noted that some concerns were raised by members of the public that trees were felled on site and hedges and shrubs were removed prior to ecological survey work and planning permission. However, it should be noted that the trees and hedgerows are not protected by TPOs and could be removed without planning permission. This does not however override the applicant's requirements to comply with separate legislation regarding protected species. Notwithstanding this, the agent was asked about this matter and confirmed that the necessary checks were made to the vegetation before works were carried out.

## Drainage and Flood Risk

Initially the LLFA advised against approving the development, on the basis of a lack of sufficient information on surface water drainage. Further information has been submitted, including confirmation from Severn Trent Water that the development can discharge surface water into their sewer connection.

Members of the public also raised issues regarding the submitted Flood Risk Assessment, referring to technical concerns regarding proposed surface water drainage solutions and inaccuracies. They consider that the proposal is likely to result in increased surface water flooding and that inadequate information on sewer capacity within wider site and area was provided.

The LLFA also identified some inconsistencies with the information provided, and this was reported to the applicant who has submitted additional information. Surface water and foul water will outfall to existing drainage on the site. On the evidence which the applicant has now been able to provide, along with clarification on the points of confusion, the LLFA have confirmed that they have no objection to the proposal, subject to a condition to ensure that the development is carried out in accordance with the submitted information. This has been added.

The proposed development is located in Flood Zone 1. It is not considered that the development increases the risk of flooding. The development is considered to be in accordance with Local Plan policies FW1 and FW2.

## Other Matters

The Environmental Health Officer notes that the applicant has submitted a desk study and preliminary site investigation report in relation to land contamination. The investigation report identifies that there is a low risk of contamination at the site and that no specific remediation measures are required. However, owing to the age of the desk study, additional samples from the site were sought. An updated report from the applicant's consultant confirms that concentrations of contaminants were below the relevant screening values other than in two locations, which are below the proposed building footprint, and are therefore not a concern. This report has been checked by the Environmental Health Officer who has confirmed that they have no concerns in this regard, subject to a condition for a watching brief, which has been added.

Some members of the public have objected on the basis of a loss of a green area. However, the land to which the objectors refer to is not public open space, does not contribute towards visual amenity, nor is sport or recreation land. The ecological impacts are assessed above. For these reasons, the loss of this area of land does not present planning concerns.

Members of the public have raised concerns regarding a lack of overall masterplan for whole site. They state that there is a lack of consideration of site as whole and the associated infrastructure required. There is no planning



requirement for a masterplan of the school site to be provided. The development must be assessed as proposed. Any future development of the site would be assessed against the relevant planning policies and considerations at that particular time. Impacts on infrastructure associated with the proposed development are assessed above.

Members of the public make suggestions regarding alternative locations for the proposed development such as, land available to the rear of the site. They also refer to application W/13/1322 which they consider was a much more sympathetic design and had local support. However, the Council can only consider the development as proposed and whether this is acceptable in planning terms.

Members of the public have raised concerns regarding the security of the site and potential for anti-social gatherings. They state that security lighting should be sensitive to neighbours. A supporter of the proposal however states that it is unlikely that the cafe will attract anti-social behaviour and will represent improved facility for pupils.

Whilst there would be a modest intensification of the use of the site, the use of the site itself will not change. The provision of enhanced facilities for pupils over dilapidated structures in Officers' views is likely to discourage anti-social behaviour. A note will be added to encourage the applicant to sensitively locate any security lighting.

Members of the public state that there has been a lack of consultation with residents on the pre-application submission, which shows wider aspirations for the site which should be considered under the current application, and cannot be considered in isolation. There is no statutory requirement for consultation by the applicant on development proposals prior to submission of an application, although it is encouraged. As stated above, the Council can only consider the proposed development in front of them and whether it represents a policy compliant scheme.

Objectors state that flat roofs are notoriously subject to leaks while a pitched roof naturally drains and the south facing side would lend itself to solar panels which could provide some running cost mitigation. Maintenance of a building is not a material planning consideration and the proposal is not for a pitched roof structure.

Members of the public state that the documents unclear and misleading. They suggest that references to a care home should be removed and considered separately. To confirm, this application does not consider the provision of a care home. Officers recognise that there are some inconsistencies contained within the reports. However, where necessary, Officers have sought clarification from the agent, who has provided supplementary information. Officers consider that there is sufficient detail provided in order to determine the application.

## **Conclusion**

The proposed development of a new teaching block on an allocated major education site within the Local Plan is considered to be acceptable in principle. It would have an acceptable impact on neighbouring amenity, highway safety, air quality, trees, drainage, ecology and the character of the area. Subject to conditions, the proposal is considered to be acceptable. It is therefore recommended for approval.

## **CONDITIONS**

1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:

21041-CW-ZZ-01-DR-A-0303 Rev P0 (first floor plan) and 21041-CW-ZZ-RF-DR-A-0304 Rev P0 (roof plan) submitted on 23rd February 2022; and,

MSTB-CW-XX-ZZ-DR-A-2100 Rev P-01 (north and south elevation) and MSTB-CW-XX-ZZ-DR-A-2101 Rev P-00 (east and west elevation) submitted on 1st June 2022; and,

MSTB-CW-ZZ-ST-DR-A-2000 Rev P-04 (ground floor plan) submitted on 17th June 2022; and,

MSTB-CW-ZZ-ST-DR-A-0300 Rev P-04 (site plan - huts to be demolished and cycle storage) submitted on 5th July 2022,

and specification contained therein. **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.

3 Prior to the commencement of the development hereby approved (including all preparatory work), an Arboricultural Method Statement for the protection of the all retained trees as shown on the undated Appendix 5: Tree Constraints Plan from AWA, reference AWA4359, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved Arboricultural Method Statement. **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.

4 The development hereby permitted shall not be commenced unless and until a 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. 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) shall be submitted to the Local Planning Authority within 3 months of first occupation. **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.

5 Notwithstanding details contained within the approved documents, prior to commencement of development, a Sustainability Statement including an energy hierarchy scheme for that phase and a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;
- c) How proposals will de-carbonise major development;
- d) Details of the building envelope (including U/R values and air tightness);
- e) How the proposed materials respond in terms of embodied carbon;
- f) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- g) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

The building shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- 6 The development hereby permitted (including ground clearance works) shall not commence until a protected species method statement for bats, nesting birds and hedgehogs (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full. **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.
- 7 The development hereby permitted shall not be occupied, until a detailed Landscape and Ecological Management Plan 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 native tree and shrub planting, wildflower grassland, pollinator-friendly planting and locations/types of bird and bat boxes and hedgehog holes in fencing shall be provided. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF.
- 8 Prior to occupation of the hereby approved development, a car parking strategy shall be submitted to and approved in writing by the Local Planning Authority which details when the two temporary huts are to be demolished as shown on the approved site plan and how car parking will be managed during the transitional phase between the new development being completed and temporary huts being demolished. **Reason:** To ensure that the development provides adequate vehicle parking in accordance with Policy TR3 of the Warwick District Local Plan 2011 - 2029.
- 9 Prior to the installation of any bin or cycle stores, full details of the design and scale of the structures shall be submitted to and agreed by the Local Planning Authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 10 There shall be no occupation of the hereby approved development unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority, based on the principles set out within drawing (03)001 Rev E (landscape masterplan) submitted to the Local Planning Authority on 30th June 2022. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary

walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally 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.

11 No external light fittings and external light columns shall be installed unless and until details of the light fittings and light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the southern and north-eastern side of the development and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

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

Reason: In accordance with NPPF, ODPM Circular 2005/06

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health,

safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 13 Prior to occupation of the development, the applicant shall submit a School Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:
- (i) specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
  - (ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
  - (iii) explain and justify the targets and measures by reference to the Transport Assessment;
  - (iv) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

**Reason:** In the interest of promoting sustainable transport methods and reducing the reliance on the private vehicle in accordance with the requirements of Policy TR2 of the Warwick District Local Plan and the NPPF.

- 14 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas and secure cycle storage areas indicated on drawings (03)001 Rev E (landscape master plan - car parking) and MSTB-CW-ZZ-ST-DR-A-0300 Rev P-03 (site plan - cycle stores) have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

- 15 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

16 No development shall be carried out above slab level unless and until samples of the external facing materials and details of the colour of the windows and doors to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

17 The development hereby approved shall be carried out in strict accordance with the following plans and drawings:

BREEAM Pre-Assessment Report – (495)2211-SB-PA-Myton\_Sch\_R01 ,  
Rev: 01

Contaminated Land Assessment – AG1806-13-Q06

Design and Access Statement – 21041-8000-000

Myton School Pre Application Response

Myton School Topographical Survey – 40248/1

Proposed Elevations – 21041-CW-ZZ-ZZ-DR-A-0310 , Rev: P0

Proposed Roof Plan – 21041-CW-ZZ-RF-DR-A-0304 , Rev: P0

Proposed Sections – 21041-CW-ZZ-ZZ-DR-A-0330 , Rev: P0

Proposed Site Location Plan – 21041-CW-ZZ-ST-A-0300 , Rev: P0

Existing Site Plan – 21041-CW-ZZ-ST-DR-A-0200 , Rev: P0

Flood Risk Assessment, Myton School Sixth Form – EW369-FRA

MTSB-SBK-01-XX-DR-C-500-P04 - Drainage Design

MTSB-SBK-01-XX-DR-C-510 - Drainage Construction Details

MTSB-SBK-XX-XX-RP-C-001 - Tanked Permeable Paving 100y +  
40%CC

Myton Wastewater – STW Asset Record

1044380 - BA Greenfield DEV ENQ (S) Myton Road, Warwick –  
Flattened

A3L\_Sewer\_Tabular - Myton Road School

Topographical Survey – U07742/1

Ground Investigation – AG1806-13-Q06

18 Prior to first use of the development hereby permitted, the mitigation measures contained in the approved air quality mitigation statement, submitted to the Local Planning Authority on 24th March 2022, shall be implemented in full. The approved mitigation measures shall then be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 19 The hereby approved development shall be carried out in strict accordance with the details contained within the approved Construction Management Plan submitted to the Local Planning Authority on 30th June 2022. **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.
- 20 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 21 Notwithstanding the details shown on the approved plans, prior to the occupation of the development hereby permitted, the side facing windows in the east elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.
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