

Application No: [W 22 / 0484](#)

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

Registration Date: 07/04/22  
Expiry Date: 07/07/22

01926 456531 Helena.Obremski@warwickdc.gov.uk

**Land off Europa Way, Tachbrook Country Park, Leamington Spa.**

Hybrid application for outline planning application for erection of a refreshment centre and full planning application for creation of a country park, to include allotments, community growing area and community orchards, children's play areas, car parking, foot and cycle paths, timber pedestrian bridge crossings over the Tach Brook, drainage ditches, associated surface water and foul drainage infrastructure, landscaping and ground works FOR Warwick District Council

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This application is being presented to Committee due to the number of objections received and because that the applicant is Warwick District Council.

**RECOMMENDATION**

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

**Details of the Development**

This is a hybrid planning application comprising a full planning application for change of use of the existing site from former agricultural use to a country park. Outline planning permission is also sought for the for the construction of a refreshment centre.

The Country Park would provide 48.9ha of publicly accessible open space and will include:

- Surfaced footpaths including a 3m wide sealed tarmac surfaced footpath/cycleway, 1.8m informal gravel walking routes and mown paths throughout the site.
- Three pedestrian timber bridges: two bridges crossing the Tach Brook providing access to a new footpath on adjacent land to the south of the watercourse; and one bridge crossing an existing drainage ditch.
- Timber viewing platform with views over the existing ecological wetland area, for which public access is to be restricted.
- Two allotment areas to serve local residents; one to the north-west of the site of 0.41ha and one to the south-east of 0.56ha.
- Community orchards; one to the north-west of the site of 0.81ha, one to the east of 0.25ha and one to the south-east of 0.65ha.
- A community growing area to the north-west of the site of 0.31ha.
- Two car parks, one to the north-west of the site for 20 spaces and one to the south-east for 16 spaces.

- A children's play area using natural materials located near to the refreshment centre.
- A play trail within the western part of the site using natural materials.
- Landscaping, including new native woodland planting to provide screening between the housing to the north and the development.
- Areas of meadow grassland and natural habitat creation including planting around the SuDS features to be delivered as part of separate planning applications.
- Sustainable drainage features including filter drains to manage run-off from the impermeable areas within the park.
- A small package pumping station to manage foul water drainage from the refreshment centre.
- Localised enhancement to the Tach Brook including the management of trees.

A small refreshment centre measuring up to 130sqm would be located within the eastern part of the site. As this is submitted in outline, with all matters reserved, only the principle of locating a refreshment centre within the site can be considered as part of this application, although the plans do identify where it is likely to be located. The appearance, associated landscape, layout and scale of the refreshment centre would be considered as part of a later reserved matters application.

Minor changes have been made to the proposal during the course of the application in response to consultee comments as follows:

- removal of some hedgerow to southern end of the Park to respond to concerns regarding security;
- revision of planting mix to address comments from WCC Ecology and WCC Landscape;
- revisions to address various comments from Green Spaces Team;
- alterations to the layout of the northern access following requirements to update drainage from LLFA.

Owing to the scale of the site, it would likely be delivered in phases, and as such the proposed conditions have been worded in such a way to allow this.

### **The Site and its Location**

The site covers an area of 48.9ha adjacent to the south of the Leamington Spa and Whitnash urban area and consists primarily of open fields previously used for agriculture, with some woodland adjacent to the Tach Brook watercourse. A portion of land in the centre of the site is owned by Severn Trent Water Ltd (STWL) and is a former Wastewater Treatment Works.

### **Relevant Planning History**

W/19/1030 - outline planning permission granted 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.

An application for an Environmental Impact Assessment screening opinion was submitted for the proposed development (SCR/21/0005) and the Council confirmed that the proposal would not require a full Environmental Impact Assessment.

There have been various applications submitted for housing development nearby to the application site. There have been a number of recent planning applications in respect of the adjacent Heathcote Southern Urban Extension development for which some of the surface water drainage (SuDS) infrastructure have been constructed or are planned to be constructed within the Country Park, together with proposed allotments.

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### Warwick District Local Plan 2011-2029

- DS13 - Allocation of Land for a Country Park
- CT1 - Directing New Meeting Places, Tourism, Leisure, Cultural and Sports Development
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- HE4 - Archaeology
- NE1 - Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

#### Bishop's Tachbrook Neighbourhood Plan

- BT1 - Conserving and Enhancing Bishop's Tachbrook's Landscape Character
- BT2 - Tachbrook Country Park
- BT3 - Green Infrastructure
- BT4 - Traffic Management and Transport Improvements
- BT5 - Improving Accessibility for All
- BT9 - Development within the Bishop's Tachbrook Conservation Area

- BT12 - Responding to Climate Change

#### Guidance Documents

- Air Quality & Planning Supplementary Planning Document (January 2019)
- Parking Standards (Supplementary Planning Document- June 2018)

### **SUMMARY OF REPRESENTATIONS**

**Bishops Tachbrook Parish Council:** Support the application:

- Long awaited amenity for residents of Bishops Tachbrook and a requirement within the Neighbourhood Plan.
- One of the key aspects is connections and provision of Green Infrastructure.
- Refreshment centre will provide a venue for people to meet and draw old and new communities together.
- Pathways will provide safe and healthier routes to explore the whole Parish and beyond.
- However, the Parish Council would welcome responses to some of the concerns raised by residents, including:
  - the safety of the Country Park, notably in the southern most corner;
  - the original plans not including parking in the southern area which will encourage people to use the car rather than walk at the expense of walking and cycling, leading to more traffic problems in village;
  - the proximity of footpaths to new housing;
  - the loss of country park land as the school is developed;
  - a request for oak trees as replacement trees;
  - a query as to whether community orchards can accommodate the proposed number of trees and the maintenance of them;
  - the bridge link, and permissive path and the impact on wildlife and flooding concerns;
  - are allotments necessary.

**Conservation Officer:** No objection.

**WCC LLFA:** Inadequate details on surface water provided – further comments on revised details awaited.

**WCC Landscape:** Some outstanding queries regarding species selection and relationship with Oakley Grove School.

**Green Spaces:** Various queries and request for minor amendments - – further comments on revised details awaited.

**Tree Officer:** No objection, subject to condition.

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

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

**WCC Public Rights of Way:** No objection.

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

**Environment Agency:** No objection.

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

**Warwickshire Wildlife Trust:** Concern that there will be the potential for short term impacts to facilitate these activities and the change in use of the site to a country park will eventually result in increased levels of human disturbance and noise through increased recreation. Requests additional surveys to be provided - further comments on revised details awaited.

**Warwickshire Police:** No objection, makes various recommendations.

**WCC Infrastructure:** No contributions required.

### **Public Responses:**

14 Objections:

- Need: refreshment centre, toilet block and play area to the east are unnecessary - will result in noise disturbance, odour and traffic generation, loss of privacy; the development is unnecessary, there are already underutilised play areas and public footpaths which are used; moving the allotments has little benefits to residents of Bishops Tachbrook and is not needed by local residents - they should be located closer to the south of the Leamington residential development where they are needed, within housing sites, thereby reducing travelling distance and reliance on the car; Bishops Tachbrook residents will not feel the benefits of any facilities within the park as they are too far away to walk.
- Amenity: loss of privacy to neighbouring gardens; footpath too close to residential areas; noise disturbance, loss of light, anti-social behaviour concerns; impact from construction works.
- Landscape Character: detrimental impact on the character of the area and rural landscape; overdevelopment of a small strip of land; too much tarmac - natural pathways would be better; not a park, more a strip of land.
- Parking: the northern car parking area should be made larger and the southern one removed / made smaller.
- Footpaths: hazardous because some are only 80cm wide, steeply inclined and immediately next to two grated road drainage covers, this would be generally hazardous but particularly so for wheelchair users, infant prams and buggies, etc. The joining point of the existing and proposed footpaths is also obscured by a street lamp-post and represents the only safe and logical place to leave wheely-bins thus increasing the obstruction.
- Cycle paths: vast amount of cycle paths and associated noise disturbance, loss of privacy, traffic generation.
- Ecology: detrimental impact on wildlife.
- Flooding: concerns regarding the proposed wooden footbridge and land on the south side which regularly floods, so is unsuitable for pathways or access on

safety grounds; many of the areas are prone to flooding and will be unusable even with walkways - how will this be mitigated?

- Crime / safety: the hedging planned to screen off the allotments on one side and the orchard trees planned on the other side will make the narrow footpath at the southernmost corner feel closed in, dark, shadowed and unsafe - this not only negates the open field, open space feeling of the country park, but also disproportionately affects women who are more likely to be nervous of walking on their own due to recent and historical instances of attacks on lone women.
- Refreshment centre will cause littering.
- The country park was to be a lot larger than as proposed.
- Consultation: the plans ignores consultation responses – the circular route around the park and the gravel paths are not fit for purpose; query on whether 1.4 hectares of play areas are proposed, and whether they will be designed in consultation with residents of all abilities.
- Community orchard: how will windfall fruit be managed to avoid the area becoming overrun with rats and odours?
- Disabled access: because of the steep gradients of the country park it seems as though the northern and southern parts will not be accessible between each other until the Severn Trent planning permission is agreed, preventing full accessibility for all residents. A disability friendly temporary access (until the Severn Trent permanent solution is enacted) must be guaranteed as part of this planning permission. Lack of changing place facility to ensure that the toilets are fully accessible. Will play equipment be fully accessible?
- Refreshment centre - why will a domestic grade kitchen be installed in a commercial refreshment centre? That is saving money in the short term but will end up needing to be replaced much more quickly, which is contrary to Warwick District Council's green policies. Planning permission should only be granted if this specification is changed to commercial grade facilities.
- Concerns regarding contaminated land.
- How will park maintenance be funded in years to come.

#### 5 Neutral responses:

- This is more of an urban park, would prefer to see more of a Country Park which extends into Bishops Tachbrook.
- Works should not disturb wildlife.
- Comments relating to Council tax banding.
- Toilet and refreshment block and additional play areas are unnecessary – will need to be maintained and likely to experience vandalism.
- Nearby residential streets will experience parking stress.
- Query whether horses will be allowed to access the site.
- Query regarding who will empty dog poo bins.
- The school should be built on the flat / level land near the Oakley Wood Road / Harbury Lane junction, not into the hillside at extreme extra cost - and it will look an eyesore
- Lack of consultation on what should be included within the park.
- Impact on wildlife.
- Control of rubbish and other activities at the park.

#### 9 Support responses:

- How will the plans be published more widely so that more people have chance to comment on the application?
- Queries pedestrian access arrangements from Bishops Tachbrook.
- Excited about new addition to the local area which will add value.
- Maximum care should be taken to protect wildlife.
- Lack of parks and playgrounds in local area.
- Will provide open space, cycle paths, walkways to boost mental and general health of residents.
- The land is allocated in the local plan, is a public requisite, good for the local community, and a key feature of the Local Plan and Neighbourhood Plan.
- Provides physical links connecting the community and amenities of Bishops Tachbrook with the park.
- New residents await enjoyment of the open space.
- Pathways will provide a safe and healthier route for children to walk and cycle to school.
- The cafe/ hub will provide a venue for people to meet and enjoy the open space together. In particular, the parents of younger children attending nursery and primary school, who will form long-standing friendships that will help to build and strengthen the community.
- The country park will link through to other green corridors designated in the Local Plan, allowing residents to walk or cycle along safe, car free routes to Warwick and Leamington.
- The speed of the road should be reduced along Oakley Wood Road to ensure safe access.
- Country Park should be friendly for the disabled.
- Query regarding impacts on skylarks and potential unsuitable habitat for these red-list birds and that the paths will bring too much footfall and dog-walking near to nesting sites.

## **Assessment**

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

- The Principle of the Development;
- Impact on Amenity;
- Impact on Heritage Assets;
- Archaeological Impact;
- Impact on Landscape;
- Highway Safety, Traffic Generation and Parking;
- Trees;
- Open Space;
- Ecological Impact;
- Air Quality;
- Drainage and Flood Risk;
- Contaminated Land;
- Other Matters.

## **The Principle of the Development**

The majority of the application site is identified within the Local Plan as being land allocated for use as a Country Park, as stated within policy DS13. There is an additional area of land which lies outside of the allocation in the Local Plan included within the application red line. However, this was granted outline planning permission for use as part of the Country Park (W/19/1030), so therefore has permission for this use. Moreover, the whole of the application site under consideration is identified in the Bishops Tachbrook Neighbourhood Plan as being protected as Country Park land. Policy BT2 of the Neighbourhood Plan states that the Country Park will act as a green link, an area of both connection and separation, between the historic established and developing settlements within the community.

The policy goes on to say that outdoor recreational uses, infrastructure and small buildings will be supported. Connections to the Country Park to link existing and new residential areas with community facilities will be encouraged. Outdoor sport and recreation uses compatible with the area, protection and creation of new habitats, and signage and information infrastructure will be encouraged.

The Country Park is considered to appropriately meet the aims of the Neighbourhood Plan, in that it provides new public footpaths which link the village of Bishops Tachbrook to the south of Leamington and its facilities, via green links. It still maintains the sense of separation between the two areas, whilst providing such functionality. New play areas will be delivered which will serve the local communities and large areas of new habitats will be created. Modest infrastructure such as the refreshment centre, which is considered to be a small building within the context of the site as a whole, will enhance the overall user experience.

The proposed development is also considered to substantially add to the aims of Neighbourhood Plan policy BT3 which seeks to enhance green infrastructure networks in and around the area.

Furthermore, the proposal assists in improving access, which is a key requirement of Neighbourhood Plan policy BT5 which states that proposals which improve accessibility for existing and future residents of Bishop's Tachbrook will be supported. It seeks the provision of appropriately surfaced cycle routes and footpaths through green spaces and creation of off road footpaths, cycleways and bridleways that provide connections between the village, the Country Park and new residential areas.

It is noted that the Parish Council support the application and welcome the associated benefits, which are supported within the Neighbourhood Plan. They have raised some concerns, which are addressed below. In relation to their comments which state that there will be a loss of country park as the school is developed, Officers do not consider that this is the case. The boundaries of the school and Country Park land were identified within the parameters plan associated with outline permission W/19/1030 which will not be affected as a result of this application. The school and Country Park developers have worked together to ensure that the area as a whole will come forwards comprehensively.



Therefore, it is considered that the whole of the application site for use as Country Park land is acceptable in principle and comments from members of the public regarding the size or need for Country Park and the associated development are not relevant to the assessment of this application.

### 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.

Members of the public have objected on the following grounds: there would be a loss of privacy to neighbouring gardens; the footpaths are too close to residential areas; noise disturbance; loss of light; anti-social behaviour concerns; and, impacts from construction works. Members of the public state that there are many existing cycle paths and there would be associated noise disturbance, loss of privacy and traffic generation. The Parish Council query the proximity of footpaths to new housing.

The built features proposed, such as the timber bridges and refreshment centre, are of sufficient distance (at least 85m) from the neighbouring residential properties as not to unacceptably impact on light, outlook or privacy. Additional soft landscaping features such as woodlands, drainage ponds and new habitats will provide pleasing features which are considered to enhance long range views of the application site from adjacent residential properties. The allotments close by to neighbouring residents may result in the introduction of some low level features such as sheds, but these would be modest structures and would be separated by boundary treatments and new hedgerows.

Proposed new footpaths and cyclepaths have been located at a minimum of 20m from the nearest dwelling facade. Joining paths that connect to the residential areas will be closer due to the nature of their connection. This is considered not to be so close to neighbouring residential properties as to cause undue disturbance.

Initially, the Environmental Health Officer requested that a noise screening assessment was provided of the play area (NEAP) to the east of the site. They had concerns that there could be impacts on nearby residential dwellings. However, the applicant provided additional information on this matter and the Environmental Health Officer confirmed that following that and with reference to the Fields In Trust design guidance it is accepted that there is a sufficient buffer between the proposed NEAP and the nearest residential properties. As a result they do not require further information on this matter. There would be at least 50 metres between the nearest residential property and the play area.

The Environmental Health Officer also notes that the applicant provided a Technical Note on likely noise impacts associated with the proposed refreshment

centre. The note recommends that a full quantitative assessment is undertaken in accordance with the methodology provided in BS 4142: 2104+A1: 2019 and they recommend that this is required by condition. This has been added.

In addition to requiring a noise assessment they recommend that a condition is imposed to ensure that the ongoing use of any external plant and equipment installed at the proposed refreshment centre, does not cause noise disturbance to nearby residential dwellings. This has also been added.

Finally, to manage the impact of construction works on nearby receptors, the Environmental Health Officer recommends a condition requiring the provision of a Construction Management Plan. This has been added.

The use of the site as a Country Park is allocated in the Local Plan. The proposal would result in additional pedestrian and cycle activity within relatively close proximity of the residential areas, however, none of the activities proposed within the Country Park are likely to be particularly noisy or cause undue disturbance.

The Country Park will be separated by boundary treatments from nearby residential properties to ensure the protection of privacy and in practice, those using the Country Park are likely to want to use the vast areas of open space, rather than remaining close by to the built up areas. The proposed car parks are modest in size and would not attract significant vehicular movements which would cause undue disturbance. Officers therefore consider it unlikely that the proposed change of use and associated infrastructure will cause unacceptable impacts on neighbouring amenity.

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) Act 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. This means that considerable importance and weight must be given to any harm caused to designated assets in the planning balance.

Paragraph 199 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 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.

There are Grade II listed buildings located to the east of the site, which include Tachbrook Mallory House, The Grove which has a large detached outbuilding which is listed and listed walls, and Chapel Hill Farmhouse. Mallory Court Hotel which is Grade II listed, along with its Registered Park and Garden lie further to the east, beyond existing woodland. There are also some Grade II listed buildings which lie within Bishops Tachbrook to the south of 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.

As noted above, the application site, notably the section closest to the Conservation Area has outline planning permission for use as a Country Park. At the very southern tip of the Country Park, allotments, community orchard and modest parking area are proposed. These elements would still retain soft landscaped views of the Country Park from the Conservation Area and in any event, views from public vantage points of these areas would be screened using soft landscaping.

The nearby listed buildings are considered to be sufficiently separated from the proposals such that it would not have a harmful impact on their settings. Oakley Wood Road and the screening along it creates a substantial buffer between the listed buildings and development proposed on the other side of the highway.

The Conservation Officer has been consulted on the proposal and has no objection to the proposed development. They do not consider that the development has an adverse impact on any designated heritage assets or their setting. Officers agree with these conclusions.

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

### Archaeological Impact

WCC Archaeology have assessed the application. Previous archaeological trial trenching across parts of the western portions of the application site has established that the proposed development across those parts of the site is unlikely to have a further archaeological impact. There are, however, parts of the eastern portion of the application site which have not yet been archaeologically

examined and have a potential to contain archaeological features which may be disturbed by this proposal.

Archaeological trial trenching has been undertaken across the future school site and Oakley Grove Phase 3 residential development site, to the immediate east of the application site. This was preceded by an archaeological geophysical survey which also examined part of this application site. The trial trenching 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 an area of possible medieval settlement and/or features relating to historic gardens shown on a map of 1710 which were associated with Tachbrook Mallory House (also known as the Grove), which lies to the east of the application site. Further features of mid Iron Age date were also identified.

Archaeological excavation across the Oakley Grove Phase 3 residential development area has since examined the area containing kilns in more detail. It identified a number of brick kilns which were constructed and adapted at different times. One appears to have been adapted/extended to form a lime kiln at a later date.

Ongoing fieldwork across the future school site has identified a series of quarry pits which are likely to be associated with the kilns to the north. It has further identified a series of features which are likely to be associated with the gardens shown on the historic maps as well as earlier, medieval, features. A series of further features which are not presently dated, but appear to pre-date the medieval features, may be associated with the prehistoric activity identified in the earlier phase of evaluation.

Historic maps show that original line of the Oakley Wood Road used to cross the southern portion of the application site before it was diverted to its present line.

There is a potential for further archaeological features dating from the prehistoric periods onwards to survive across this site, and be impacted by the proposed development. In conclusion WCC Archaeology consider that some archaeological work should be required if consent is forthcoming. This should take a phased approach, the first phase of which would comprise an archaeological evaluation. This archaeological work can be secured by an appropriately worded condition, which has been added.

The development is therefore considered to be in accordance with Local Plan policy HE4.

#### Impact on Landscape

Policy BT1 of the Neighbourhood Plan states that development should conserve or enhance the area's landscape character to enhance the sense of place and history, and to provide recreational opportunities within tranquil settings. Development should protect the historic character and settlement pattern of the area, including maintaining individual farmsteads. The network of water features along the Tach Brook and other streams and ponds should be retained. Water features, woodlands and hedgerows should be protected and planting new hedgerows is encouraged.

The policy also supports the improvement and creation of new public rights of way and requires the provision of a Landscape Value Impact Assessment where necessary and states that where impacts are identified, measures should be incorporated to reduce their impact. Urban forms of development should be screened and have appropriate transitions to rural areas. New coverts and tree belts are supported in appropriate locations.

Members of the public have objected to the proposed development on the grounds that the proposal would have a detrimental impact on the character of the area and rural landscape; the overdevelopment of a small strip of land; there being too much tarmac rather than natural pathways; they state it would not be a park, and is more a strip of land.

As stated above, the site is allocated in the Local Plan in its entirety as a Country Park. A Country Park is natural area, designed for people to visit and enjoy recreation in a countryside environment. It is usual to expect some formal facilities, such as cafe, paths and trails.

The proposal includes paths which lead from the very northern tip of the park to the south. There are also ancillary paths which branch off towards the residential areas to provide access. The number and extent of paths are not considered excessive in this regard. The provision of the allotments and community orchards encourages additional use of this community facility. The orchards will sit comfortably within the wider context, whilst the allotments will be sufficiently screened as not to detrimentally impact on the setting of the Country Park.

The SUDs features will provide landscape features which will enhance the environmental quality of the area, and provide attractive features for members of the public to enjoy. These are seen as sensitive, appropriate features within a Country Park.

Initially, WCC Landscape raised concerns about the allotments being located within the Country Park and their locations. The applicant responded to this, stating that as part of granting planning permission for several of the recently consented residential developments adjacent to the proposed Country Park, landowners have entered into a S106 Agreements to make a financial contribution towards the construction of allotments within the Country Park to meet the need of new residents.

The applicant advised that the number of allotments to be provided and their exact locations were discussed with the Council's Greenspace Team and other stakeholders. What is proposed is the outcome of these discussions with the location considered to be the most appropriate having regard to the needs of future users and other considerations, including the need to safeguard the amenity of adjacent residents. On this basis, WCC Landscape accept the locations of the allotments.

WCC Landscape also raised queries regarding a lack of woodland around the south of the site. There is a modest strip of planting which will be located to the

southern most boarder of the Country Park, along with larger areas of orchard planting. WCC Landscape note that woodland is proposed as part of the Oakley Grove School application, which they would wish to see controlled. This however cannot be controlled as part of the current application.

WCC Landscape requested that the SUDs ponds were designed to look more naturalistic, and stated that they should not be fenced off. The applicant has confirmed that the SUDs ponds will not be fenced off and have enhanced planting around the SUDs to address these comments.

WCC Landscape requested additional woodland in the central area of the Country Park. The applicant responded to this, stating that the provision of woodland in this location conflicts with WCC Ecology's comment concerning the reduction in grassland. As such, the landscape design has sought strike a balance and not compromise passive oversight. This has been accepted by WCC Landscape.

WCC Landscape have made various requests regarding the planting species mix, most of which have been accommodated by the applicant. There are a small number of queries in this regard which remain outstanding and are currently being addressed by the applicant. Councillors will be updated on this matter prior to the committee meeting.

The Council's Green Spaces Team stated that they welcome the application and note that the proposed furniture details (eg bins and benches) will complement the feel of the Country Park. They raised various minor points within their comments and the applicant has submitted additional information which seeks to address all of the points set out within the Green Spaces response. The applicant has however noted that in respect of the suggestion to change the surface of the Severn Trent Water access track from tarmac to grasscrete or similar, this cannot be made as tarmac is required due to loading requirements. The Green Spaces Team have been reconsulted and Councillors will be updated on this matter prior to the committee meeting.

The proposed development is considered to bring forwards a Country Park, the use of which is allocated within the Neighbourhood Plan, with a variety of suitable features which will enhance the landscape character. Views from nearby residential properties will be of an open, countryside landscape, with enhanced areas of woodland and water features. The more built up elements of the scheme such as the allotments and car parks will be suitably screened from wider views and as such will not have a harmful impact on landscape character. The additional planting around the perimeters of the site will ensure that long range views of the site blend well with the surrounding countryside.

The proposal is therefore considered to be in accordance with the aforementioned policies.

#### Highway Safety, Traffic Generation and Parking

Neighbourhood Plan policy BT4 states that appropriate measures will be implemented as part of new development to mitigate the impact on traffic on

road safety and health. It suggests traffic calming measures along Oakley Wood Road, which runs next to the site.

Members of the public have stated that the northern car parking area should be made larger and the southern one removed / made smaller. Members of the public suggest that the proposal will lead to parking on nearby streets. The Parish Council have stated that original plans did not include parking in the southern area - they consider that it will encourage people to use the car rather than walk at the expense of walking and cycling, leading to more traffic problems in the village.

WCC Highways were consulted on the proposal. They note that the application is supported by a Transport Statement which considers the impact of development related traffic on the local Highway Network. The Transport Statement has been reviewed and the Highway Authority considers the content acceptable and demonstrates that the proposal will not have a severe impact on the safety or capacity of the network in the immediate vicinity.

There is no set requirement within the Council's Vehicle Parking Standards for a Country Park. The proposal includes two modest car parking areas to the north and south of the area, predominantly to serve the allotment areas, providing 36 spaces in total. This number of spaces has been provided on the basis of the projected vehicular trips to the site and are proposed to be used by visitors to the Country Park as well as people using the allotments. However, as the purpose of the Country Park is to serve the adjacent local residents as part of the South Leamington urban extension and provide off-road connectivity, it is expected that the majority of users would walk or cycle to the Country Park. It is not considered that a car park of 16 spaces to the south would disproportionately encourage use of the car to access the site, given the connectivity to nearby residential areas.

Officers agree that the Country Park is intended to serve the local communities of the south of Leamington and Bishops Tachbrook, therefore a modest parking requirement for the site would be appropriate. In order to ensure that any additional parking demands are accommodated, it is intended that the proposed 'Oakley Grove' School will provide additional parking capacity and this is covered by the legal agreement attached to the outline Planning Permission for that proposal (W/19/1030). The Highway Authority is therefore satisfied that there will be sufficient parking provision available. The accesses to the car park areas, along with the accesses for maintenance vehicles will need to be constructed to a suitable specification. A condition has been added to control this.

The Walking and Cycling Officer has reviewed the proposals and is satisfied that the provisions within the application site for walking and cycling are acceptable, however, has raised the query over how unauthorised vehicular access can be prevented whilst maintaining connectivity for cyclists. This can however be controlled by condition, which has been added.

Regarding members of the public comments, whilst these are noted, Officers consider there to be no material planning reason to require changes to the car parking provision as proposed.

Members of the public suggest that the speed limit along Oakley Wood Road should be reduced. However, WCC Highways have not suggested that the development is likely to have a detrimental impact on highway and the traffic generation associated with the proposal is not likely to be significant.

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

### Trees

The submitted information confirms that two category U trees would be removed. Two groups of trees and one area of hedgerow would also be removed. There would be some minor alterations to other hedges to facilitate the introduction of pathways. It should be noted that there would also be extensive tree planting as part of the proposal, including new areas of native woodland.

The Council's Tree Officer was consulted on the proposal and states that the arboricultural information provided by the applicant was thorough and comprehensive, and on the basis of that information, he has no objections on tree-related grounds to the development as proposed. The Tree Officer notes that there are recommendations within the Arboricultural Impact Assessment for a comprehensive Arboricultural Method Statement where paths are to cross the root protection areas of retained trees, and in due course such a statement would be required, but that could comfortably be secured by condition. This has been added.

Comments have been raised that new trees planted along Peabody Way should be oak. The applicant has stated that tree species along Peabody Way were agreed with the Greenspace Team to be a row of Downy Birches. Oak saplings in this location adjacent to a main road could cause highways issues in the future due to their large canopy spread and expansive root system. Officers have no reason to dispute this.

The Parish Council queried whether the community orchards can accommodate the proposed number of trees and maintenance of them. The applicant has responded stating that the extent of food growing areas was defined within the S106 Agreements with the nearby housing sites, and a balance has been struck between providing more formal allotments and open community orchards. The orchards design and layout has been based on a traditional grid pattern with minimum spacings of 8m between each orchard tree species to allow for sufficient sun and soil depth and to avoid competition from adjacent tree species. The applicant states that based on this accepted planting regime for orchards there is considered to be adequate space to accommodate the number of trees proposed in the planning application. Given that the Tree Officer has raised no concerns on these grounds, Officers are comfortable with this aspect of the proposal.



In view of the above including the extent of new tree planting proposed, Officers consider the proposal to be acceptable in that regard.

### Ecological Impact

Local Plan policy NE2 requires that designated areas and species of national and local importance for biodiversity and geodiversity must be protected. Policy NE3 requires that new development must protect, enhance and / or restores habitat biodiversity.

Some members of the public suggest that the proposal would have a detrimental impact on wildlife, whereas others suggest that there would be wildlife enhancements. Queries are raised regarding the impact of the development on skylarks.

WCC Ecology have assessed the application. They confirm that they have no objection to the application, subject to conditions. WCC Ecology note that one of the purposes of the Country Park is for its nature conservation value. As such the application is considered to support the NPPF (2022) paragraph 180 (d) which states:

*"development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*

However in order to secure favourable management of the park and safeguard protected species and habitats, as outlined in the Ecological Impact Assessment and the landscape plans, WCC Ecology recommend that conditions for submission of a Construction and Environmental Management Plan (CEMP) and a Landscape Ecological Management Plan (LEMP) are attached to any approval granted. The LEMP will need to include management details (for at least 30 years), the organisation/body responsible for management, monitoring of habitats and species, and details of funding to deliver the long-term management. This is considered to address concerns identified by the Warwickshire Wildlife Trust on the management between new features and the impacts on the natural environment. The LEMP will also be used to ensure that the biodiversity net gain is monitored and achieved.

In regards to the impact on biodiversity, WCC Ecology have reviewed the submitted Biodiversity Impact Assessment (BIA) and associated biodiversity net gain technical note. The BIA is generally acceptable but they requested that the calculation should be based on the original baseline habitat of arable rather than semi-improved grassland. This is being updated by the applicant, which will be reviewed before the planning committee meeting. Councillors will be updated prior to the meeting on this matter, however it is likely that the BIA will show an increased net gain in the number of units as a result of the development than that already identified.

Notwithstanding the aforementioned point of clarification, WCC Ecology calculations show that the country park would provide a net gain of 7.27 units in combination with the offset agreements set out in the Section 106 agreements which have been agreed for the adjacent developments. As such the Country Park will provide an overall biodiversity net gain for the developments in the area if implemented as per the submitted landscape plans, and has therefore succeeded in its purpose to ensure biodiversity net gain in achieved.

WCC Ecology also note that the development includes enhancements to the Tach Brook which will be secured by the LEMP. They also note the presence of a number of protected species within the site, and that these can be adequately protected via the CEMP.

WCC Ecology requested additional information regarding nesting birds and skylarks. The applicant has responded stating that the neighbouring housing developments were required under Section 106 agreements to make contributions for skylark mitigation attached to their individual planning permissions. It was understood that the funding would be used elsewhere by the County Council as it was deemed at the time that the country park would not be a suitable location for skylark mitigation. Notwithstanding this, it is also noted that the design of the site includes areas of low disturbance/no access which has the potential to continue to support breeding skylarks. This information has been sent to WCC Ecology for consideration and Councillors will be updated on this matter prior to the committee meeting.

WCC Ecology had some queries regarding the proposed landscaping plans, mix of species proposed and practical impacts of the development on habitats. A response to these queries has been provided and is being reviewed by WCC Ecology. Councillors will also be updated on this matter prior to the committee meeting.

WCC Ecology also request a condition for a lighting scheme, which has been added. This is considered to address comments from the Warwickshire Wildlife Trust on this matter.

The Warwickshire Wildlife Trust stated that there is potential for short term impacts and the change in use of the site to a country park will eventually result in increased levels of human disturbance and noise through increased recreation. However, the use of the site is allocated and acceptable in principle. Subject to the mitigation and protection measures outlined above, there would be suitable safeguarding of protected species and a significant net increase in biodiversity as a result of the development.

Subject to WCC Ecology confirming that the additional details regarding nesting birds and the biodiversity impact assessment are acceptable, the proposal is considered to comply with Local Plan policies NE2 and NE3.

#### Air Quality

The applicant has undertaken a review of Warwick District Council's AQ SPD alongside the details of the proposed scheme and has concluded that the scheme does not meet the criteria for a Major scheme and therefore an Air Quality Assessment is not required. On this basis, under the guidance the development is classified as a medium scheme because it required a transport assessment, as such the developer is required to provide Type 1, & 2 mitigation from the guidance.

The Environmental Health Officer accepts this assessment and recommends a condition is imposed requiring the development to comply with WDC's AQ SPD prior to the park coming into use. This has been added and it is likely that the mitigation measures will take the form of electric vehicle charging points within the car parking areas. The details will be agreed with the Environmental Health Officer prior to their installation to ensure that they meet with the requirements of the SPD.

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

#### Drainage and Flood Risk

The site is predominantly greenfield and covers an area of approximately 48.9ha. The Environment Agency (EA) Flood Map for Planning indicates that the site intersects Flood Zones 2 and 3 associated with the Tach Brook, which forms the southern boundary of the site.

Members of the public state that there are concerns regarding the proposed wooden footbridge and land on the south side which regularly floods, so is unsuitable for pathways or access on safety grounds; much of the areas are prone to flooding and will be unusable even with walkways and members of the public query how will this be mitigated.

The submitted Flood Risk Assessment (FRA) informs that the most significant source of flooding to the site is from fluvial flooding associated with the Tach Brook. The majority of the site is located in Flood Zone 1 where there is the lowest risk of flooding, including all flood sensitive elements of the proposals. Elements of the development that intersect Flood Zone 2 and Flood Zone 3 are considered to be insensitive to flooding (i.e. footpaths and boardwalks).

The proposed development will result in no significant land raising in areas of the site in Flood Zones 2 and 3 (fluvial flooding), or at Low, Medium or High risk of surface water flooding, and hence there will be no loss of floodplain storage or impediment to flow. Development close to the Tach Brook will be limited to two small single-span pedestrian footbridges, to be built in accordance with standard design principles to minimise the risk of blockage and flow displacement above existing. Numerous minor river enhancement options are proposed to the Tach Brook, though these are anticipated to have negligible impact to flood risk given the nature of the proposals.

The FRA also states that surface water flood risk is typically Very Low across the majority of the site (based on the Environment Agency Risk of Flooding from Surface Water mapping), with regions of more significant risk mapped across several minor tributaries and drains flowing southwest into the Tach Brook. A minor portion of the proposed refreshment centre intersects a region of low surface water flood risk associated with a drainage channel draining to the Tach Brook. However, it is anticipated that localised ground reprofiling would be sufficient to minimise any significant risk to the development, to ensure flood sensitive elements of the development are slightly raised above adjacent low points and associated surface water flowpaths passing through the landscaped areas of the proposed country park.

Surface water from the proposed footpaths will drain into the permeable ground nearby, and the car parks will be provided with gravel filled filter trenches which lead to existing pumping stations.

The LLFA were consulted and initially noted that insufficient information had been submitted in order to assess the impacts of the development on surface water drainage. Additional details have been provided by the applicant on this matter, which is with the LLFA for consideration. Councillors will be updated on this matter prior to the committee meeting.

The applicant has confirmed that the timber bridge links have been designed to have no impact on river levels or flooding, using natural materials. They note that whilst there is an awareness that there is seasonal flooding in this area, the permissive route is being provided as a temporary solution until the Severn Trent Water land parcel comes forward. As such, the path will remain unsurfaced. In the long term, the Severn Trent Water portion of land will be reprofiled to provide a DDA compatible path, ensuring optimum accessibility from east to west of the country park.

The Environment Agency have stated that they have no comment to make on the application and recommend consultation with the LLFA.

Subject to the LLFA having no objection to the proposal following the submission of additional details on surface water drainage, 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.

### Contaminated Land

Concern has been raised by members of the public regarding contaminated land within the site.

Environmental Protection have assessed the application and note that the applicant has completed a Phase 1 Contaminated Land Desk Study which makes recommendations for further investigation, which they agreed with. A ground investigation report and risk assessment of the site was then provided by the applicant which the Environmental Health Officer has confirmed is acceptable,

and no further information is required in this regard as no risks of contamination have been identified.

However, further investigation of the Severn Trent Water land parcel within the site is required, specifically the sludge tip mound, its current risk and post remediation risk to controlled waters. A Remediation Method Statement for the site, including the sludge tip, will need to be agreed prior to commencement of the development. A condition has been added to require the provision of the aforementioned information prior to commencement of development or use of the Severn Trent Water land.

It is therefore considered that the development adequately addresses matters regarding contaminated land.

### Sustainability

Neighbourhood Plan policy BT12 states that development proposals should incorporate features that contribute towards reducing greenhouse gas emissions and increasing resilience to the impact of climate change. All new buildings should be designed to be carbon neutral.

The proposed refreshment centre represents a new building. A condition will be added to ensure compliance with the requirements of Neighbourhood Plan policy BT12. This is also considered to address the requirements of Local Plan policy CC1 regarding adapting to climate change.

### Other Matters

#### *Designing Out Crime*

WCC Police have been consulted and have commented that the proposal references the advice contained within National Planning Policy Framework, Planning Practice Guidance, 'Safer Places - The Planning System and Crime Prevention' and 'Crowded Places. They have no concerns regarding the location of the site in general therefore Warwickshire Police have no objection to the application.

Warwickshire Police however note that they have concerns regarding the security of the proposed café building. They state that this clearly is going to be an isolated premises and it could become the target for crime, in particular burglary. They note that there is a lack of information in the planning statement of the design and access statement regarding how it is intended to protect this building. WCC Police also note the desire for this site to be an attractive area for wildlife and therefore the proposal for no lighting. They conclude that this building could also become a place that attracts gathering of youths at night and in turn it could become an area where anti-social behaviour is an issue.

Warwickshire Police make various recommendations regarding the safety mechanisms which should be put in place in order to protect the building and deter anti-social behaviour. A condition has been added which requires that the

applicant demonstrates how the cafe will be designed to minimise the potential for crime and anti-social behaviour, in accordance with the requirements of Local Plan policy HS7. It should also be noted that the refreshment centre is submitted in outline form, therefore the design details associated with this will come forwards at a later stage and will be informed by the aforementioned condition.

Members of the public have stated that the hedging planned to screen off the allotments on one side of the Country Park and the orchard trees planned on the other side will make the narrow footpath at the southern most corner feel closed in, dark, shadowed and unsafe. They state that this not only negates the open field, open space feeling of the country park, but also disproportionately affects women who are more likely to be nervous of walking on their own due to recent and historical incidences of attacks on lone women. The Parish Council also raise some concerns regarding the safety of this area.

In response, the applicant has reduced the extent of some of the proposed hedgerow to reduce the sense of enclosure. The applicant advises that hedgerow in other areas will be managed and tree canopies thinned where necessary to enhance natural surveillance. Officers also note that this area is nearby to one of the parking area and allotments, where there is more natural surveillance than other areas and would still provide a 10m wide space. Moreover, Warwickshire Police have not identified this as a concern, therefore no additional information is required in this regard.

### *Littering*

Members of the public have suggested that the refreshment centre will cause littering. However, various waste bins are located throughout the site and Officers have no reason to conclude that this would be a significant issue which weighs against the application.

### *Consultation*

Members of the public make various comments regarding the consultation process before the planning application was submitted. However, there is no statutory requirement to undertake consultation prior to the submission of an application. With that said, Officers understand that a community consultation exercise on the scheme was undertaken by the applicant for three months in 2020 which attracted a number of responses. Full consultation was undertaken as part of this planning application.

### *Management*

Various queries have been raised about the ongoing maintenance of the Country Park. This in part will be dealt with by the LEMP, but will be the responsibility of the land owner, in this instance Warwick District Council. Officers have no reason to believe that the site would not be adequately managed moving forwards. A member of the public queries how will windfall fruit be managed to avoid the area becoming overrun with rats and odours. This would be a private matter for the landowner to consider.

## *Accessibility*

Members of the public have commented that because of the steep gradients of the Country Park it seems as though the northern and southern parts will not be accessible between each other until the Severn Trent planning permission is agreed, preventing full accessibility for all residents. It is considered that a disability friendly temporary access (until the Severn Trent permanent solution is enacted) must be guaranteed as part of this planning permission.

The applicant has advised that the Country Park includes 3m wide tarmac footpath/cycle routes around the park. The use of self-binding gravel paths as well as tarmac paths is to ensure that the Country Park does not have an 'urban' feel and balance the visual appeal of a Country Park whilst ensuring that it is accessible to all. Self-binding gravel still allows accessibility as it produces a firm/compact surface with non-slip properties.

In terms of linking between the northern and southern portions of the site - the permissive route is being provided as a temporary solution until the Severn Trent land parcel comes forward. As such, the path will remain unsurfaced and would not be fully accessible. In the long term, the Severn Trent Water portion of land will be reprofiled to provide a DDA compatible path, ensuring optimum accessibility from each end of the Country Park. Officers agree that at present it is not feasible to provide full accessibility across the site owing to the typography of the land, nor is it reasonable to require that a temporary path is made permanent and DDA compliant. This is a temporary solution to overcome the issue of land ownership, which will allow the Country Park to come forwards for use. It should also be noted that the Park is accessible from the north and south separately. It is considered that the benefits of the Country Park coming forwards outweigh the harm of not having whole site accessible on temporary basis.

The applicant also advises that the site naturally slopes towards the river, due to its valley location. Unfortunately, it is not feasible to make all paths accessible in terms of required gradient, but routes have been designed to minimise steep inclines wherever possible. The 3m wide tarmac path is under 1:12 gradient at all points and stretches from one end of the park to the other, with linkages to the new housing areas throughout.

Members of the public have raised that there is a lack of changing place facility to ensure that toilets are fully accessible.

The applicant has advised that there is no local policy or statutory requirement to provide 'Changing Places' designed accessible toilets within a scheme of the type and scale proposed under this planning application. The applicant is, however, investigating how such a facility might be included within the proposed refreshment centre, the details for which would be secured by Building Regulations.

Members of the public have queried whether play equipment be fully accessible.

The applicant has advised that the play equipment will accommodate accessible items for children of all ages and abilities, including those with disabilities. A condition will be added to confirm the exact details of play equipment to be provided.

### *Other Matters*

A query has been raised by a member of the public as to why a domestic grade kitchen will be installed in a commercial refreshment centre. They consider that this saves money in the short term but will end up needing to be replaced much more quickly, which is contrary to Warwick District Council's green policies. This issue is acknowledged however, is not a material planning consideration in the determination of this application.

Members of the public make comments about the Council tax banding. However, this is not a material planning consideration.

Queries were raised whether horses will be allowed to access the site and who will empty dog poo bins. These are not material planning considerations.

Members of the public have made comments in reference to the nearby school development and that this should be constructed on flat land. However, this is not relevant to the assessment of this application.

The Parish Council and members of the public note the benefits of the scheme, suggesting that it will provide open space, cycle paths, walkways to boost mental and general health of residents, noting that the site is allocated for the proposed use in the Local and Neighbourhood Plans. They also consider that it provides physical links connecting community and amenities of Bishops Tachbrook with the park. These are all notable benefits of the scheme.

Members of the public also suggest that the refreshment centre will provide a venue for people to meet and enjoy the open space together. In particular, the parents of younger children attending nursery and primary school, who will form long-standing friendships that will help to build and strengthen the community. It is also considered that the country park will link through to other green corridors designated in the Local Plan, allowing residents to walk or cycle along safe, car free routes to Warwick and Leamington. Bishops Tachbrook Parish Council also suggest similar benefits of the scheme. These are all noted as material benefits.

### **Conclusion**

The proposed development would bring forwards the delivery of a key piece of green infrastructure identified with the Neighbourhood and Local Plans. In doing so it would provide significant material benefits, namely enhancements to biodiversity, green infrastructure links which assist health and wellbeing and the provision of community facilities such as orchards and allotments. It is therefore recommended that the application is approved.



Subject to conditions, the development can also be controlled to manage any impacts on neighbours, nearby highways and drainage.

## **CONDITIONS**

- 1 The development hereby permitted in detail (all of the development save for the 'refreshment centre') must be begun not later than the expiration of three years from the date of this permission.

The development hereby permitted in outline (the refreshment centre) must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- 2 The refreshment centre is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on each subsequent phase of development:-

- appearance
  - (a) landscaping
  - (b) layout
  - (c) scale

**REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 3 In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars must be made to the Local Planning Authority, for each phase of the development, not later than the expiration of three years beginning with the date of this permission.

**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 details shown on the site location plan and approved drawings:

807055-WOOD-XX-XX-DR-L-00001 (Masterplan), 807055-WOOD-XX-XX-DR-L-00029 (Post and Wire Fence), 807055-WOOD-XX-XX-DR-L-00030 (Bench), 807055-WOOD-XX-XX-DR-L-00031 (Timber Bollard), 807055-WOOD-XX-XX-DR-L-00032 (Timber Bridge), 807055-WOOD-XX-XX-DR-L-00033 (3m Tarmac Path), 807055-WOOD-XX-XX-DR-L-00034 (Self-Binding Gravel Path), 807055-WOOD-XX-XX-DR-L-00036 (Picnic Bench), 807055-WOOD-XX-XX-DR-L-00037 (Timber Vehicle Gate), 807055-WOOD-XX-XX-DR-L-00038 (Vehicle Barrier), 807055-WOOD-XX-XX-DR-L-00039 (Post and Rail Fence), 807055-WOOD-XX-XX-DR-L-00040 (Waste Bins), 807055-WOOD-XX-XX-DR-L-00041 (Timber Boardwalk), 807055-WOOD-XX-XX-DR-L-00043 (Timber Knee Rail), 'Southern Car Park Access General Arrangement' and 'Maintenance Access of Peabody Way - dropped kerb' submitted on 15th March 2022; and,

807055-WOOD-XX-XX-DR-L-00002 P02 (Landscape Plans Sheet 1), 807055-WOOD-XX-XX-DR-L-00003 P03 (Landscape Plans Sheet 2), 807055-WOOD-XX-XX-DR-L-00004 P02 (Landscape Plans Sheet 3), 807055-WOOD-XX-XX-DR-L-00005 P02 (Landscape Plans Sheet 4), 807055-WOOD-XX-XX-DR-L-00006 P02 (Landscape Plans Sheet 5), 807055-WOOD-XX-XX-DR-L-00007 P02 (Landscape Plans Sheet 6), 807055-WOOD-XX-XX-DR-L-00008 P02 (Landscape Plans Sheet 7), 807055-WOOD-XX-XX-DR-L-00009 P02 (Landscape Plans Sheet 8), 807055-WOOD-XX-XX-DR-L-00010 P02 (Landscape Plans Sheet 9), 807055-WOOD-XX-XX-DR-L-00011 P02 (Landscape Plans Sheet 10), 807055-WOOD-XX-XX-DR-L-00012 P02 (Landscape Plans Sheet 11), 807055-WOOD-XX-XX-DR-L-00013 P02 (Landscape Plans Sheet 12), 807055-WOOD-XX-XX-DR-L-00014 P02 (Landscape Plans Overview Sheet), 807055-WOOD-XX-XX-DR-L-00045 (SuDs Reference Drawings Sheet 1), and 807055-WOOD-XX-XX-DR-L-00046 (SuDs Reference Drawings Sheet 2) submitted on 6th October 2022; and

807055-WOOD-XX-XX-DR-L-00015 P02 (Planting Plans Sheet 1), 807055-WOOD-XX-XX-DR-L-00016 P02 (Planting Plans Sheet 2), 807055-WOOD-XX-XX-DR-L-00017 P02 (Planting Plans Sheet 3), 807055-WOOD-XX-XX-DR-L-00018 P02 (Planting Plans Sheet 4), 807055-WOOD-XX-XX-DR-L-00019 P02 (Planting Plans Sheet 5), 807055-WOOD-XX-XX-DR-L-00020 P02 (Planting Plans Sheet 6), 807055-WOOD-XX-XX-DR-L-00021 P02 (Planting Plans Sheet 7), 807055-WOOD-XX-XX-DR-L-00022 P02 (Planting Plans Sheet 8), 807055-WOOD-XX-XX-DR-L-00023 P02 (Planting Plan Sheet 9), 807055-WOOD-XX-XX-DR-L-00024 P02 (Planting Plans Sheet 10), 807055-WOOD-XX-XX-DR-L-00025 P02 (Planting Plan Sheet 11), 807055-WOOD-XX-XX-DR-L-00026 P02 (Planting Plan Sheet 12), 807055-WOOD-XX-XX-DR-L-00027 P02 (Planting Plans Overview), and 'Northern Access General Arrangement' submitted on 26th October 2022,

and the 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.

5 Each phase of the development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the local planning authority. The CMP shall provide for:

(d) *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*

A model CMP can be found on the Council's website ([https://www.warwickdc.gov.uk/downloads/file/5811/construction\\_management\\_plan](https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan)) or by searching 'Construction Management Plan'.

The development hereby permitted shall only proceed in strict accordance with the approved CMP. **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.

6 No development for each phase shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority for that phase.

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 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 Mitigation Strategy document, shall be undertaken in accordance with the approved 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 protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 7 Each phase of the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) in accordance with the British Standard on Biodiversity BS 42020:2013 has been submitted to and approved in writing by the District Planning Authority for that phase. In discharging this condition the Local Planning Authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, details of appropriate working practices and safeguards for habitats, such as the Local Wildlife Site, hedgerows and trees, to be employed whilst works are taking place on site. The compound area should be allocated and illustrated in a site layout within the plan. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

- 8 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Authority prior to the commencement of the development (or specified phase of development). The content of the LEMP shall include the following:
- a.) Description and evaluation of features to be managed.
  - b.) Ecological trends and constraints on site that might influence management.
  - c.) Aims and objectives of management.
  - d.) Appropriate management options for achieving aims and objectives.

- e.) Prescriptions for management actions.
- f.) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g.) Details of the body or organisation responsible for implantation of the plan.
- h.) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (*where results from monitoring show that conservation aims and objectives of the LEMP are not being met*) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**REASON:** To ensure a net biodiversity gain in accordance with NPPF.

- 9 Prior to the commencement of each phase of the development hereby approved (including all preparatory work), an Arboricultural Method Statement and Tree Protection Plan, together referred to as the scheme of protection, for the protection of the trees to be retained for that phase shall be submitted to and approved in writing by the Local Planning Authority.

The scheme of protection must be prepared in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations (referred to here as BS 5837) and shall refer to a retained tree's root protection area (RPA as defined in BS 5837) and to any work that may affect a retained tree above-ground.

The scheme of protection should make recommendations for:

- a) tree pruning to allow the development to proceed (if appropriate)
- b) tree protection, to be shown on the Tree Protection Plan with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection
- c) the specification for the construction of any hard surfacing that encroach over the RPA of a retained tree
- d) a site monitoring protocol that will confirm by independent examination by a suitably qualified tree specialist that the agreed scheme of protection is in place

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

**Reason:** 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.

10 No development shall commence or be used for the approved purpose within the area identified as 'Severn Trent Water land' (hereafter STW site) as shown on drawing 807055-WOOD-XX-XX-DR-L-00045 submitted to the Local Planning Authority on 24th October 2022, unless and until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the Local Planning Authority:

1.(a) A site investigation designed for the STW 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 risk assessment to be undertaken relating to human health

§ A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected

§ An appropriate gas risk assessment to be undertaken

§ Refinement of the conceptual model

§ The development of a method statement detailing the remediation requirements

(b) The site investigation 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, 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 STW site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the STW 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 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.

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

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

- 11 A sustainability statement must be submitted to and approved in writing by the Local Planning Authority, prior to the submission of details pertaining to the reserved matters relating to the refreshment centre detailing how the development has been designed to incorporate features that contribute to reducing greenhouse gas emissions and increasing resilience to the impact of climate change. The statement should include consideration of the following (but not limited to):
- a. All new buildings should be designed to be carbon neutral;
  - b. Building and roof orientation maximise opportunities for harnessing solar energy for renewable energy generation and passive solar gain;
  - c. Heating systems are carbon neutral incorporating such technology as Ground/Air Source Heat pumps or community heating systems;
  - d. Water saving technology and waste water recycling are incorporated;
  - e. All properties have vehicle charging points;
  - f. Sustainable standards of resource consumption and recycling have been applied ensuring that there is an appropriate balance between innovation and respecting and harmonising with the local quality and character of the surrounding development;
  - g. Building for Life standards, or an equivalent assessment framework, have been met;
  - h. The vulnerability of the site, and the wider area to flooding, especially during extreme weather events, have been identified and mitigated for in the proposal's design;
  - i. The incorporation of buffer strips to protect streams, trees and hedgerow rooting zones;
  - j. Extensive tree planting and landscaping using native species to increase carbon sequestration and ensure biodiversity is connected to the plan;

k. Surfaces that increase groundwater infiltration and reduce run-off will be used.

The design of the refreshment centre submitted under reserved matters must demonstrate how the agreed sustainability measures have been incorporated into the design. **Reason:** To demonstrate how the development has been designed to respond to climate change and meet the requirements of Policy BT12 of the Bishops Tachbrook Neighbourhood Plan 2020 - 2029.

12 A crime prevention statement must be submitted to and approved in writing by the Local Planning Authority, prior to the submission of details pertaining to the reserved matters relating to the refreshment centre detailing how the development has been designed to minimise the potential for crime and anti-social behaviour. The statement should include consideration of the following (but not limited to):

- windows and doors should be protected by roller shutters that have been tested and certified to LPS1175 security rating 2 (minimum) and installed in accordance with the manufacturer's specifications. Roller shutters/grilles protecting windows should be tested and certified to LPS1175 security rating 2 (minimum) (Level 2) and installed in accordance with the manufacturer's specifications;
- all windows and should be Certificated (BSI Kitemark or similar) to PAS 24 'Specification for enhanced security performance of casement and tilt/ turn windows for domestic applications' or Loss Prevention Certification Board standard LPS 1175 Security Rating 2;
- a monitored CCTV system should be installed near to the location of the café building.

The design of the refreshment centre submitted under reserved matters must demonstrate how the agreed crime prevention measures have been incorporated into the design.

**Reason:** To minimise the potential for crime and anti-social behaviour in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029.

13 A full quantitative noise assessment must be undertaken in accordance with the methodology provided in BS 4142: 2104+A1: 2019 (or any subsequent BS which supersede this guidance) and be submitted to and approved in writing by the Local Planning Authority, prior to the submission of details pertaining to the reserved matters relating to the refreshment centre. **Reason:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

14 Prior to first use of the site by members of the public, details of access prevention measures to prohibit unauthorised access, but ensure



accessibility for pedestrians and cyclists must be submitted and agreed by the Local Planning Authority. **Reason:** In the interests of cyclist and pedestrian safety in accordance with policy TR1 of the Warwick District Local Plan 2011 - 2029.

- 15 There shall be no development above slab level unless and until a phasing scheme for the delivery of the approved hard and soft landscaping details has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme must identify the separate phases of development and timescales for delivery of both hard and soft landscaping within each phase. The development shall be carried out in strict accordance with the approved phasing scheme. Any tree(s) or shrub(s) which within a period of five years from the completion a phase of 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.
- 16 Each phase of 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 for that phase. 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.
- 17 No lighting or illumination of any part of any building or the site for each phase shall be installed or operated unless and until a detailed lighting scheme for that phase has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around trees and mature vegetation and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
  - Lighting should be shielded to avoid spillage onto vegetated areas
  - The brightness of lights should be as low as legally possible
  - Lighting should be timed to provide some dark periods

- Connections to areas important for foraging should contain unlit stretches

**Reason:** To ensure that protected species and habitats to be retained are not harmed by the development in accordance with National Planning Policy Framework, ODPM Circular 06/2005 and with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 18 The accesses to the site for vehicles (including maintenance vehicles) shall not be used in connection with the development until they have been constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 19 Each of the play areas / play trails shall not be installed unless and until details to include the scale, layout, design and materials of that play area / play trail 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.
- 20 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.
- 21 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured 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.

22 Prior to first use of the hereby approved development a crime prevention statement must be submitted to and approved in writing by the Local Planning Authority detailing how the development has been designed to minimise the potential for crime and anti-social behaviour. The statement does not require reference to the 'refreshment centre', but should include consideration of the following (but not limited to):

- entrances to car parks should be protected by height restricted barriers that are permanently secured in place;
- entrances to footpaths should be made too narrow for any vehicle to gain access and should include barriers such as kissing gates to prevent the use of offroad motorcycles.

The approved crime prevention measures shall be installed in full prior to first use of the hereby approved development and shall be retained in perpetuity.

**Reason:** To minimise the potential for crime and anti-social behaviour in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029.

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