

**Planning Committee:** 13 December 2022

**Item Number:** 5

**Application No:** [W 22 / 1238](#)

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Helena Obremski

**Registration Date:** 01/09/22

**Expiry Date:** 01/12/22

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**(a) Rosalind Franklin Laboratory, Harrison Way, Leamington Spa, CV31 1HH (b) Old Ford Foundry Car Park, behind Pets at Home: Unit 2B, Myton Road, CV31 3NY**

Continued of use of the Rosalind Franklin Laboratory building (in sui generis use) to allow for its operation as a Very High Throughput Laboratory and associated activities (including Research & Development), retention of associated external works and landscaping; along with retention of associated works related to the continued use of the existing 'Old Ford Foundry car park' site in conjunction with the laboratory and including: installation of new lighting and drainage, CCTV, boundary fencing, bus shelter for park and ride facility, landscaping and associated works. FOR United Kingdom Health Security Agency

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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

This application is submitted under a unique set of circumstances. As part of the Government's response to the COVID19 pandemic 'Jupiter project' was created in order to help meet the acute need for diagnostic testing at a large scale. In February 2021, the Department for Health and Social Care commenced use of the former Axiom building to deliver a Very High Throughput Laboratory with associated activities and parking in response to the pandemic. The site has been operational since June 2021 and had processed 7,316,401 tests at the point of submission of the application.

Planning permission was not required at that time, because the applicant was able to benefit from permitted development rights under the General Permitted Development Order under Part 19 (development by the Crown or for national security purposes) Class Q and QA (development by the Crown relating to a pandemic) which allows development which reduces, controls or mitigates the effects of a pandemic. These temporary permitted development rights will however cease in February 2023 and this application is submitted in order to continue the current laboratory use.

The application site is split across two separate locations as follows, and the following works have been carried out in order to facilitate the laboratory:

Former Axiom building, now known as the 'Rosalind Franklin Laboratory', located on Harrison Way:

- Change of use from warehouse (use class B8) to high throughput laboratory (sui generis);
- Installation of an entrance canopy to provide outdoor covered seating for staff;
- Installation of new/replacement tanks, plant and generators and sub-stations;
- Replacement of some of the bay doors with curtain walling;
- Opening up works to create appropriate access to the building and installation of vents/louvers;
- The installation of additional lighting;
- Installation of a security hut on the site;
- New 3m high security fencing; and
- CCTV.

The 'Old Ford Foundry Car Park', located on Myton Road / A452:

- Resurfacing of the car park and marking of 508 car parking spaces (including 11 accessible and 26 EV-ready spaces);
- Provision of a new drainage system;
- Shelter for bus shuttle;
- Replacement boundary fencing;
- Receptor mast for CCTV (for security purposes);
- New scheme of lighting and landscaping;
- Temporary removal of a small section of the northern end of existing bund, to allow for connection to the surface water drain, which has been re-landscaped and the minor removal of the bund has been reinstated.

Therefore, the application seeks planning permission for the continued use of the Rosalind Franklin Laboratory building (in sui generis use) to allow for its operation as a Very High Throughput Laboratory and associated activities (including research and development), retention of associated external works and landscaping. The proposal also includes the retention of associated works to allow the continued use of the existing Old Ford Foundry car park site in conjunction with the laboratory and the aforementioned works.

## **THE SITE AND ITS LOCATION**

The "main" site comprises the Rosalind Franklin Laboratory (formerly the Axiom Building, a warehouse which was in B8 use prior to the change of use), with associated yard-space and plant. The site is approximately 4.4ha and located within an industrial area. It is bound by industrial uses and commercial activities. The nearest residential dwellings are located approximately 0.3km to the east and south of the site. There are no heritage assets on or near the site, and the site is not within a conservation area. The site is located in Flood Zone 1.

The application site also relates to a separate area of land, known as the "Old Ford Foundry car park". This was a 1.8ha vacant site, with a railway line and recycling centre to the north and residential properties to the west. This is being used as a car park to serve the Laboratory, with a park and ride facility for employees. The site benefits from existing landscaping along the northern, eastern and western boundaries and a number of the trees along the western boundary are subject to a Tree Preservation Order. There is an earth bund positioned to the west of the site. There are no designated heritage assets on, or near the site, and the site is not within a conservation area, although the very corner of the Canal Conservation Area lies to the north west of the site, and it is in Flood Zone 1.

### **RELEVANT PLANNING HISTORY**

There are various previous applications relating to both sites. The Laboratory building was formerly used as a storage and distribution warehouse.

The Old Ford Foundry Car Park was a vacant car park, which was used as a lorry depot and car park in association with the former Ford Foundry to the east of the site. The Laboratory is a 20 minute walk from the car park.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- EC3 - Protecting Employment Land and Buildings
- EC1 - Directing New Employment Development
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE5 - Protection of Natural Resources
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- HE1 - Protection of Statutory Heritage Assets
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Royal Leamington Spa Neighbourhood Plan 2019-2029
- RLS12 - Air Quality
- RLS13 - Traffic and Transport

### **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** Neutral, supportive of this site as providing much-needed employment opportunities, and of the productive use of

this brownfield location. Supports requirements of the LLFA, WCC Highways and WCC Ecology.

**Warwick Town Council:** No comment.

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

**Conservation Officer:** No comment.

**Network Rail:** No objection.

**Tree Officer:** No objection.

**WCC Landscape:** No objection.

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

**WCC Ecology:** No objection.

**Public Responses:**

6 Objections:

- The parking survey is not compliant with the Vehicle Parking Standards SPD provisions that are unchanged by the LPA's agreement to a revised methodology for the parking survey for this application. It is not a true reflection of the parking situation on street.
- Issues of employees of Rosalind Franklin parking on nearby access road and directly on the junction, obstructing the pavement forcing pedestrians on the road and blocking visibility at the junction causing safety incidents. The application includes continued use of a Park & Ride car park, and neighbour suggests to prohibit any employee parking on local roads.
- Disturbance from employees sitting in cars with engine running in nearby residential streets.
- Old Ford Foundry Car Park - WDC has a duty of care to protect our community in Myton Crofts. The bund was put in place "to protect and enhance the amenities of the area and to provide a visual barrier protecting us from noise and pollution". Our amenity and protection has been affected since the removal of a significant part of the bund in 2017. Our previous requests to have the bund reinstated have been rejected and the protection that was afforded to residents when planning permission was given for the bund to be installed and subsequently increased in height has been taken away, leaving us as a community exposed. We would ask again that the bund be restored in full.

3 Neutral:

- Increased parking within Culworth Close from staff working at laboratory means residents are unable to park outside their homes;
- Requests reinstatement of the bund to support sound proofing to the neighbouring gardens and to promote wildlife. It should be protected.

**ASSESSMENT**

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

- Principle of the development;
- Design and layout;
- Impact on Heritage Assets;
- Impact on Amenity;
- Parking and Highway Safety;
- Ecological Impacts;
- Drainage;
- Air Quality;
- Contamination

#### Principle of the development

The change of use of the Laboratory site and associated development at the Old Ford Foundry site were in response to the COVID19 pandemic and the need to set up a large-scale testing facility within a short period of time. The change of use and associated development did not require planning permission and are considered as permitted development under Schedule 2, Part 19, Classes Q and QA of the General Permitted Development Order 2015 (as amended).

Local Plan policy EC3 states that outside town centres, the redevelopment or change of use of existing and committed employment land and buildings (Use Classes B1, B2 and B8) for other uses will not be permitted unless one or more of a number of criteria are met.

The former use of the site was B8, storage and distribution warehouse. The new use has principally a mixture of laboratory and research and development facilities. Whilst the use is confirmed as being sui generis, the site provides significant employment opportunities owing to the nature of the use, in fact more so than the previous use, in an established employment area. The supporting information confirms that when at full capacity, the laboratory will directly provide approximately 1,900 jobs. At present it provides approximately 800 jobs.

Moving forwards beyond the COVID19 pandemic, the site will still continue to provide a testing facility which would be available to respond to any future pandemics or similar threats. The supporting information also confirms that the Laboratory has a wide range of possible applications, building on this significant investment in the UK's laboratory skill-base and infrastructure to create a Centre of Excellence. Possibilities include a range of public-private partnerships and acting as a hub for engagement with partners from the Life Sciences industry. The supporting information also states that the Laboratory's triple helix partnership of clinicians, scientists and industry has the potential to develop new diagnostic technologies and further secures the Laboratory's status as a world-class laboratory. The applicant also intends to use the Laboratory to collaborate internationally by developing academic partnerships abroad.

Therefore the change of use accords with the principles of policy EC3.

#### Design and layout

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

A number of alterations have been made to the Laboratory and Old Ford Foundry car park sites, as detailed above. This development mainly relates to functional changes required in order to facilitate the development, such as CCTV, lighting, plant and equipment and external alterations to the existing facades. The additional structures within the site boundaries are modest structures, generally of single storey.

At the Laboratory site, the majority of the changes are also positioned to the rear and side of the building, away from public vantage points. Moreover, the site is also located within an established industrial estate. It is noted that the fencing around the site is 3 metres high, which is somewhat higher than the fencing found within the surrounding area. However, given the security needs of the development, the rationale for this is accepted. It is not considered that when viewed against the backdrop of the existing building on the site, that the fencing is harmful in visual terms, particularly given that it is set back from the highway. The small extension to the building fronting the highway is considered to be acceptable.

One of the largest physical alterations to the Laboratory building is the installation of an external canopy to the western elevation. This is of some considerable size and not a common feature found on industrial style sheds. With that said, again this element is away from public vantage points and provides an interesting architectural feature to what is otherwise a bland building. Moreover, it has a functional purpose, by providing an external canteen and social area for employees whilst being sheltered from adverse weather.

Six trees were removed in order to facilitate the change of use, including providing space for additional structures within the site. These removals did not require any permission from the Council as they were not protected trees. There were also modest areas of removal of vegetation around the site boundary, most of which are not within public vantage points in order to ensure security and access to the site. The Council's Tree Officer was nevertheless consulted on the application and confirms that the proposed vegetation removals are modest, and the justification on safety grounds is compelling, and so has no objection to the application.

Replacement planting has been provided to the areas where vegetation has been removed, in the form of woodland whips and amenity scrub planting. This will ensure that the Laboratory site retains some soft edging strips, notably to the front elevation in the public domain, whilst ensuring the security of the site. WCC Landscape had queries regarding the species mix, which has been clarified by the applicant and they have no objection to the application and landscaping measures.

At the Old Ford Foundry car park, there are fewer alterations. The car park has been resurfaced and formally laid out as parking. A bus shelter has also been erected, along with additional lighting columns. Owing to the position of the site behind existing development, there are very few views of the site within the public domain. Notwithstanding this, the alterations to the car park have resulted in an overall improvement to what was an overgrown and under-utilised parcel of land. Additional woodland whip planting is proposed along the edge of the bund, along with pockets of additional amenity scrub and grassed areas. These modest landscape enhancements are welcomed.

The development is therefore considered to comply with Local Plan policy BE1.

#### Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

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. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The very corner of the Canal Conservation Area lies to the north west of the Old Ford Foundry Car Park. However, given that the use of the site has not changed, the limited physical alterations to the site and intervening features between the

site and Conservation Area, it is considered that the development has no material impact on the setting of the Conservation Area, thus preserving it.

It is noted that the Conservation Officer has no objection to the development.

The development is therefore considered to be in accordance with Local Plan policy HE1.

#### 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.

In terms of the Laboratory site, the physical alterations and additional buildings around the site are not considered to impact detrimentally on residential amenity, owing to the distance of nearby residents to the site. There have been some concerns expressed by residents regarding parking associated with the Laboratory site on nearby residential streets, and this impacting on amenity. This is considered in more detail below.

The Environmental Health Officer notes that the applicant has carried out an operational noise assessment for the main laboratory site, considering noise from fixed and mobile plant (HGVs) at the site, and traffic on public roads. The assessment undertook a baseline noise survey performed in 2020 to define the background sound levels at the closest noise sensitive receptors. The sound emitted by the fixed and mobile plant was predicted at the closest receptors. The Rating Levels at the receptors are predicted not to exceed the background sound level during the day and night at the closest receptors and negligible impacts are predicted as a result of traffic flows generated by the development in the area.

The applicant has also carried out an operational noise assessment for the Old Ford Foundry Car Park considering i) car park noise during the evening and night-time period and ii) traffic on public roads. Negligible impacts are predicted as a result of traffic flows generated by the development in the area. The assessment of car park noise uses noise level predictions based on noise measurements of vehicles within a car park. The predicted LAeq from car park movements at the closest residential receptor on Myton Crofts is below relevant WHO daytime and night time guidance.

The Environmental Health Officer also recommends a condition limiting plant noise which has been agreed with the applicant and added.

The Environmental Health Officer confirms that the applicant has provided a Lighting Strategy including an ILE compliant lighting assessment, and they are satisfied that the assessment demonstrates the proposed lighting scheme is compliant with the relevant requirements.



The Environmental Health Officer states that a night time noise assessment is required in order to understand the impacts of deliveries in terms of potential disturbance to sensitive noise receptors. However, the site was previously used as a distribution centre, without any restrictions on the hours of deliveries to and from the site. The applicant states that the current use is also likely to have reduced the number of deliveries to and from the site. Officers note that the nearest neighbours are some 340m from the application site, which has been operating for some time, without any complaints being submitted to the Council on the grounds of noise disturbance. On this basis, is it not considered reasonable or necessary to require the provision of a night time noise survey or restrict the hours of delivery.

A separate matter which has been raised by some of the residents of Myton Crofts, positioned to the west of the Old Ford Foundry Car Park, relates to the earth bund positioned within the application site, adjacent to these properties. The neighbours have raised concerns about works undertaken without planning permission in 2017 which removed some of the bund and the impacts which this had on neighbouring amenity in terms of disturbance. The neighbours object to the scheme on this basis, stating that the bund was erected to protect amenity and act as a visual barrier from noise and pollution. The neighbours state that WDC has a duty of care to protect the community of Myton Crofts and have requested that the bund is restored in full.

However, only the impacts of the works associated with this application are materially relevant to its assessment. As set out above, the Environmental Health Officer has confirmed that the impacts of noise and light spill from the Old Ford Foundry Car Park are acceptable. The bund has only been marginally altered at the northern end to facilitate a new drainage system serving the site. The area of affected bund was reinstated to as it was previously, thus there have been no material changes to the bund. This was not the area of the bund which was affected under works which required permission in 2017, which was to the southern section of the bund.

Moreover, it should also be noted that a row of well established trees separates the site and the properties along Myton Crofts, which are protected by a TPO and the neighbours who have objected on this basis are some 60 metres from any of the car parking spaces, with the bund and TPO trees acting as intervening features. On this basis, the change of use of the Laboratory and associated use of the Old Ford Foundry Car Park are not demonstrated to have had an unacceptable impact on the neighbouring properties at Myton Crofts, and there is therefore no material reason to require that the applicant makes any alterations to the bund, which would be unreasonable.

The development is therefore considered to be in accordance with Local Plan policy BE3.

#### Parking and highway safety

##### *Highway Safety*

Local Plan policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists,

public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users as appropriate. Proposals will be expected to demonstrate that they are not detrimental to highway safety, provide suitable access and circulation, create safe and secure layouts

Local Plan policy TR2 states that all large-scale developments that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic.

Neighbourhood Plan policy RLS13 states that to make Royal Leamington Spa a cleaner, safer and healthier town, where appropriate, development proposals should address and contribute to the achievement of improvement schemes as set out in the policy.

The access arrangements for both sites have not been altered, however the majority of parking for the Laboratory site is served by the Old Ford Foundry Car Park site, with a shuttle bus service operating between the two.

The Transport Statement submitted with the application confirms that the trip generation of the Laboratory is dictated by the number of staff employed, and the shift schedules. The Transport Statement bases its assessment of the impacts of the Laboratory at full capacity. The staggered start and finish times for all shifts allows to minimise any potential impact on the highway network. The applicant confirms that a maximum of 600 staff would be on site at any given time, therefore this represents a maximum of 600 two-way trips generated by the Laboratory during the AM hours and the PM hours. They note that the observed proportion of staff driving to work is below 50% at present. Therefore, it is predicted that a maximum of 300 two-way vehicular trips would be generated by the Laboratory during the AM hours and the PM hours, which represents an average of 85 two-way vehicular trips per hour. This results in an average of one vehicular trip every 42 seconds across the whole highway network around the site. The Transport Statement concludes that this level of trip generation is not considered to have a significant impact on the highway network, particularly when the trip generation of the consented site land uses are discounted. Additionally, the number of servicing bays and parking bays has been reduced from previous consented land uses. This is likely to mean that the Laboratory will generate fewer delivery vehicle trips than previous consented land uses.

WCC Highways have assessed the Transport Statement and confirm that they are satisfied that the development proposals will not have a detrimental impact on the safety, operation or capacity of the local highway network, and have no objection to the application on this basis, subject to conditions which require that the occupier provides a full travel plan to promote sustainable transport methods to the site.

Given that the applicant has demonstrated that the development would not increase vehicular trips in comparison to the existing lawful uses of the site, it is not considered appropriate to require contributions to any highway schemes as set out within Neighbourhood Plan policy RLS13.

## *Parking*

Local Plan policy TR3 requires that new development provides adequate parking, which would not be to the detriment of highway safety.

The Laboratory site provides 72 standard car parking spaces, 39 accessible spaces and 10 spaces for electric vehicles. Formerly the Axiom building had 261 spaces. In addition to the car parking provision, there is the capability to park 42 cycles on site within sheltered storage at the Laboratory. In order to provide sufficient parking for the site and its staff, the Old Ford Foundry car park provides approximately 508 car parking spaces and a shuttle bus service to the Laboratory site. 11 of the spaces are accessible and 26 of the spaces have electric vehicle charging infrastructure. Therefore, in total across the two sites there are 629 spaces available for use. There is also infrastructure installed to provide 10 e-bike charging stations at the Old Ford Foundry Car Park.

Owing to the unique nature of the development, there is no minimum parking requirement for the site in terms of the Council's Vehicle Parking Standards guidelines.

The 629 total parking spaces are more than the maximum 600 staff on site at any given time when at full capacity. However, the applicant advises that this parking provision ensures future proofing of the site, flexibility to adapt shift patterns as necessary, capacity for external visitors, and a secured parking space for every staff member. This will reduce the risk of overspill parking onto nearby streets in the form of on street parking which has been identified as a concern by neighbouring residents to the site.

5 members of the public have raised concerns regarding employees from the Laboratory parking within nearby streets, namely Juno Drive and Culworth Close. Juno Drive forms part of the industrial estate, whereas Culworth Close is a residential street. Neighbours consider that employees have increased parking stress and create highway safety concerns, and noise and disturbance.

Officers understand that during construction works parking, notably within the surrounding streets in the industrial estate, caused some access issues for other businesses in the area. However, contractors have withdrawn from the site and the land owner of the surrounding streets has introduced a parking control contractor, so it is understood that this matter is now resolved.

In terms of on street parking in nearby residential streets, the applicant was asked to carry out a parking survey and cross reference the number plates against records they hold on file for employee's vehicles in order to establish if employees from the Laboratory were parking outside of the dedicated car park. The residential area accessed from Culworth Close was surveyed on three separate dates in August 2022 at four separate intervals on each of those days (at 07:30, 13:30, 19:30 and 23:00). The results of the survey show that across these intervals, on one of the days, there were no employees parking in the nearby streets, on the second and third days there were between 0 - 2 employees at any one time parking in nearby streets. These streets had a capacity of 100 vehicles and at all times there were at least 50 available spaces for residents to park in.

Some of the members of the public who have commented on the application have suggested that the survey has not been carried out in accordance with the Vehicle Parking Standards. However, it must be remembered that the survey was not carried out in order to identify parking capacity, it was to measure the extent of any Laboratory staff parking within the nearby area, thus the requirements of the Vehicle Parking Standards do not strictly apply in this case. WCC Highways have confirmed that they are satisfied with the scope of the surveys in this regard.

In response to the results of the survey, the applicant has confirmed that the Laboratory is committed to implementing sustainable transport measures, which include:

- Actively encouraging employees and contractors to use local public transport (e.g. train or bus), car share, walk or use the cycle route between the offsite car park and laboratory. To promote this, there is the provision of cycle racks onsite;
- Employees and contractors who drive to work are actively discouraged from parking on local streets and encouraged to use the free parking and shuttle bus facilities at the offsite car park. This is in addition to accessible visitor parking onsite, which is also allocated to individuals dependent on their specific needs;
- As part of their induction process, all employees are provided with full details of on-site and off-site parking facilities and free shuttle bus; and
- The applicant regularly reminds employees of the travel options available and request they are considerate and respectful of our neighbours and local residents. This is done via frequent staff communications, e.g. newsletters and all-staff briefings.

Reviews of current vehicles using the Old Ford Foundry Car Park indicate that less than 50% of staff drive to work, which is lower than the 77% average reported in the area.

Given that the surveys show that there is minimal parking created as a result of the use of the site as a Laboratory and that there is ample available parking within nearby areas to accommodate parking in any event, Officers consider the parking arrangements to be acceptable. In order to ensure however that this matter is suitably monitored and controlled in the future, a condition has been added for the provision of a Travel Plan, with the expectation that this includes regular monitoring of the parking in nearby areas, a point of contact for nearby residents to liaise with from the Laboratory and actions which can be taken in the event that on street parking has an unacceptable impact on nearby residents.

It should also be remembered that whilst neighbours may assume that any individuals parking with the nearby streets may come from the Laboratory, they may be accessing other sites within the industrial estate given the findings from the surveys.

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

## Ecological Impacts

WCC Ecology have commented on the application, and note that a Preliminary Ecological Appraisal of both sites was carried out and a bat roof report was also provided. The bat survey identifies a bat roost within the existing substation at the Old Ford Foundry Car Park, and this building has been retained and protected from associated impacts such as lighting. Owing to the scale and nature of the works a biodiversity impact assessment is not required. Although it should be noted that there has been added tree planting within the Old Ford Foundry Car Park in any event.

The Defra MAGIC map identifies the bund area as NERC Act 41/ Priority Habitat Deciduous Woodland. The Ecologist queried whether any of this had been impacted by the drainage works, however, it was confirmed by the applicants that this was not the case and the Ecologist is content with these findings. The Ecologist has also confirmed that the lighting scheme is acceptable from an ecological perspective.

The development is therefore considered to be in accordance with Local Plan policies NE2 and NE3.

## Drainage

Both of the application sites lie within Flood Zone 1, with the lowest probability of flood risk. Owing to the size of the sites and drainage details provided, the LLFA were consulted. Initially they objected to the application on the basis of inadequate information. Additional details were provided by the applicant which confirms that surface water drainage will be dealt with via connection to an existing surface water sewer. The LLFA have confirmed that they have no objection to the development on this basis, subject to conditions for the provision of a verification report for the surface water drainage system and a maintenance plan for the drainage. These have been added.

It is therefore considered that the development complies with Local Plan policies FW1 and FW2.

## Air Quality

Neighbourhood Plan policy RLS12 states that any development that results in significant negative impacts, including cumulative impacts, on air quality within the Old Town Leamington Spa Air Quality Management Area should be supported by an air quality assessment and where necessary, a mitigation plan to demonstrate practical and effective measures to be taken to avoid the adverse impacts.

Warwick District Council has adopted an Air Quality Supplementary Planning Document (SPD) which establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment.

The applicant provided an Air Quality Assessment in support of the application and initially, the Environmental Health Officer queried the need for damage costs associated with the development owing to the scale of the sites. However, the applicant clarified that the reconfiguration of both the former distribution centre's (now the Laboratory) car park and the Old Ford Foundry Car Park has resulted in a reduction in the number of car parking spaces at each site when considered against the previously consented uses. The applicant also stated that this application demonstrates that it is providing sufficient car parking to meet the needs of the use, while also ensuring the number of vehicles travelling to and from each site will be less than would be possible under its previous consented land use, during the recognised peak periods. The applicant concludes that having regard to this, there would be no material air quality impacts associated with the change of use in comparison to the existing lawful use of the two sites.

The Environmental Health Officer accepts these points and therefore does not require additional information in regards to air quality.

Notwithstanding that there is no planning requirement to provide air quality mitigation measures, 10 electric vehicle charging spaces are provided at the Laboratory site and the infrastructure for 26 spaces has been provided at the Old Ford Foundry Car Park. Infrastructure for 10 e-bike charging stations is provided at the Old Ford Foundry Car Park. The interim Travel Plan provided with the application confirms that staff travel pattern monitoring will take place, and when a need has been demonstrated for electric vehicle / e-bike charging, the charging points will then be installed. This will be captured through the Full Travel Plan required by condition as set out above, so will be delivered as part of this application.

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

### Contamination

Environmental Health Officers note that the applicant has undertaken a preliminary risk assessment of both the laboratory site and the foundry car park site, and based on the information provided they agree that no further investigation or remediation is required at either site based on the proposed uses.

### **Conclusion**

The proposed retention of the Laboratory and Old Ford Foundry Car Park is considered to represent an appropriate use of both sites, which do not have an unacceptable impact on neighbouring amenity, nor have an unacceptable impact on the highway network. Adequate parking arrangements are considered to have been provided, and will be monitored through use of a Travel Plan. It is highlighted that the scheme delivers the potential to provide a significant number of jobs within the District, and provides significant public health benefits in responding to the current and any future pandemics. For these reasons, subject to the conditions listed in the report, the application is recommended for approval.

## **CONDITIONS**

- 1 The development hereby permitted relates strictly to the details shown on the site location plans and approved drawings:

### *Rosalind Franklin Laboratory:*

MLAB1-HOK-ZZ-00-DR-A-111100 Rev P05 (site layout), MLAB1-HOK-ZZ-ZZ-DR-A-110001 Rev P05 (site plan), MLAB1-HOK-ZZ-ZZ-DR-A-113003 Rev P04 (elevations), MLAB1-HOK-ZZ-ZZ-DR-A-113002 Rev P04 (demolition), MLAB1-HOK-ZZ-ZZ-DR-A-114300 Rev P04 (entrance canopy details), MLAB1-HOK-ZZ-ZZ-DR-A-114303 Rev P04 (substation), MLAB1-WSP-XX-00-DR-L-000001 Rev P03 (vegetation removal), MLAB1-WSP-XX-00-DR-L-000004-PA Rev C04 (reinstatement planting), MLAB1-WSP-XX-00-DR-Y-999991 Rev P01 (security layout), MLAB1-WSP-ZZ-00-DR-PM-000019 Rev C03 (ethanol storage and compressor house layout), MLAB1-WSP-ZZ-00-DR-PM-000020 Rev C03 (ethanol storage and compressor house sections), and LUX,S,B Generic drawing Sheet 1. (barrier details) submitted on 27th July 2022, and

### *Old Ford Foundry Car Park:*

CPAR1-WSP-C1-ST-DR-D-000100 Rev C03 (site layout) and CPAR1-WSP-C1-00-DR-L-000004PA Rev C05 (reinstatement planting) submitted on 27th July 2022,

and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 2 Within three months of the date of this decision, a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (CPAR1-WSP-C1-ST-RP-0000001-P01) shall be submitted to and approved in writing by the Local Planning Authority by a suitably qualified independent drainage engineer for (a) The Rosalind Franklin Laboratory and (b) The Old Ford Foundry Car Park. The details shall include:
  1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
  2. Any As-Built Drawings and accompanying photos.

The approved details and all measures therein shall be retained and maintained in perpetuity.

**Reason:** To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Policy FW2 of the Warwick District Local Plan 2011 - 2029.

- 3 Within three months of the date of this decision, a detailed, site specific maintenance plan shall be submitted to and approved in writing by the

Local Planning Authority for site (a) The Rosalind Franklin Laboratory. Such maintenance plan should:

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.

The maintenance plan shall be implemented in full accordance with the approved details and all measures therein shall be retained and maintained in perpetuity.

**Reason:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011 - 2029.

- 4 Within one month of the date of this decision, the occupier must submit to the Local Planning Authority for approval details of the scope of a Full Travel Plan that promotes sustainable forms of access to the site and defines arrangements for monitoring parking associated with the use hereby approved. The scope of the Full Travel Plan shall include the specification of targets for mode share shifts to be achieved and a time period to achieve this. Within three months of the date of the approval of this scope the occupier must submit to the Local Planning Authority for approval a Full Travel Plan in accordance with the approved scope.

**Reason:** In order to reduce car travel and increase travel by more sustainable transport modes and to assist with the monitoring and management of on-street parking in nearby residential areas, in accordance with the requirements of the NPPF and Policy TR3 of the Warwick District Local Plan 2011 - 2029.

- 5 The Full Travel Plan approved under condition 4 shall be implemented and monitored in strict accordance with its terms. In the event of failing to meet these targets a revised Full Travel Plan shall be submitted to and be approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to the site. The Full Travel Plan thereafter shall be implemented and reviewed annually with changes agreed with the Local Planning Authority.

**Reason:** In order to achieve a sustained reduction in car travel and increase travel by more sustainable transport modes in accordance with the requirements of the NPPF.

- 6 The use hereby permitted shall only operate if a minimum of 121 car parking spaces at the Rosalind Franklin Laboratory site and 508 car parking spaces at the car park known as 'Old Ford Foundry Car Park' (as shown on drawing CPAR1-WSP-C1-ST-DR-D-000100 Rev03) are available and remain available at all times for the use of employees of and visitors to the Rosalind Franklin Laboratory (identified on location plan MLAB1 -HOK -ZZ -ZZ -DR - A -110002 Rev P04) in accordance with the details contained within approved Travel Plan. **Reason:** To



ensure that adequate parking is provided for the site in accordance with the requirements of Policy TR3 of the Warwick District Local Plan 2011 - 2029.

- 7 The rating level of noise arising from the approved fixed plant and equipment shall not exceed the limits set out in the table shown on Page 2 as measured at the points identified in the noise monitoring location plan (Figure 1) appended to the letter dated 23 November 2022 (reference: 7008299.231122.SNHO). The rating level shall be determined in accordance with BS 4142:2014+A1:2019. **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.
- 8 The hard landscaping works shall be completed in full accordance with the approved details within three months of the date of this permission; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following approval of this application. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 9 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.
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