

**Application No:** [W 22 / 1077](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Dan Charles

**Registration Date:** 27/06/22  
**Expiry Date:** 26/09/22

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**Land to the east of Stratford Road, Longbridge, Warwick, CV34 6XU**

Outline planning application (with all matters reserved except for access) for employment related development (including B2/B8 use class and E g) iii) use class) together with associated development. FOR Midlands Land Portfolio Ltd

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This application is being presented to Planning Committee due to the number of objections received and also because it is recommended that planning permission be granted subject to the completion of a legal agreement.

**RECOMMENDATION**

Planning Committee are recommended to GRANT outline planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in this report.

Planning Committee are also recommended to delegate authority to the Head of Place, Arts & Economy in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums are agreed by the relevant consultee and meet the relevant statutory test together with necessary alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within four months of the date of Committee or, in the opinion of Officers, insufficient progress has been made within this period to warrant the agreement of additional time to complete the Agreement, Planning Committee are recommended to delegate authority to the Head of Place, Arts & Economy to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

**DETAILS OF THE DEVELOPMENT**

This is an outline planning application with all matters reserved except for access for employment related development including Use Class B2 (General Industrial), Use Class B8 (Storage and Distribution) and Use Class E g) iii) (Light Industrial) together with associated development.

The access that is to be considered under the outline application is an existing access served from an arm of the roundabout on Stratford Road. This roundabout

also serves the Tournament Fields commercial development to the West of the site.

The site forms part of Employment Allocation E2 that extends to a total of 11.2 hectares of Land. The total site area forming this application extends to approximately 8.8 hectares including the access road which is the proportion of the land that falls within the applicant's control.

## **THE SITE AND ITS LOCATION**

The application site extends to approximately 8.8 hectares and is predominantly flat with no significant levels changes.

The site is partly brownfield land due to the former Severn Trent depot occupying the land on the eastern side of the site. A number of buildings have recently been demolished on the site. The site also contains areas of hardstanding in the form of car parking areas and a tennis court.

The rest of the site is considered to be greenfield land and comprises predominantly grassland with mature hedgerows interspersed with tree planting, together with a central line of trees that run between the brownfield and greenfield areas of the site.

Access to the site is from an existing 4 arm roundabout from the Stratford Road which also serves the Tournament Fields development to the west. The arm of the roundabout serving the site also serves an existing depot to the north and a single residential dwelling only.

The site is well sited for access to Junction 15 of the M40 that lies to the south of the site. This junction also serves the A46 and A429.

To the immediate north of the site is a depot which forms an existing employment site. A single dwelling is also located to the immediate north of the depot adjacent to the access road.

The River Avon lies to the east of the site and is screened from the site by existing planting and more recent planting comprising a triple row of saplings. Beyond the River Avon lies the southern area of Castle Park.

To the south, beyond an existing field, lies Longbridge Farm. Along the western boundary of the site is the Stratford Road.

The site is approximately 700 metres from the interchange with junction 15 of the M40, A46 and A429 providing access to the wider road network.

The overall character of the area is mixed, with industrial units located to the west of Stratford Road and residential development beyond.

## **PLANNING HISTORY**

**W/20/1037:** Prior Approval application under Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the demolition of existing building at the Severn Trent Water Longbridge Depot – **GRANTED 26.08.2021.**

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity
- DS3 - Supporting Sustainable Communities
- DS4 - Spatial Strategy
- DS5 - Presumption in Favour of Sustainable Development
- DS8 - Employment Land
- DS9 - Employment Sites to be Allocated
- PC0 - Prosperous Communities
- EC1 - Directing New Employment Development
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- 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
- DM1 - Infrastructure Contributions

#### Guidance Documents

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

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Neutral - No Comment.

**WDC Arboricultural Officer:** No objection - scheme has been submitted with a detailed Arboricultural Impact Assessment which is thorough and detailed. Recommend Tree Protection Plan and Arboricultural Method Statement be secured by condition.

**WDC Conservation Officer:** Would agree with comments from the Gardens Trust about impact on the adjacent Castle Park.

**WDC Environmental Protection Officer:** Original comment was holding objection relating to noise, odour and Air Quality. Following discussions with applicants and receipt of additional information - no objection subject to conditions.

**WCC Archaeology:** Recommend works of trial trenching be carried out on western area of site to inform further works prior to determination and additional works secured by condition as necessary.

**WCC Ecology:** Following receipt of further information, no objection subject to conditions and S106 obligation for Biodiversity Net Gain.

**WCC Flood Risk Management:** Following receipt of further information, no objection subject to conditions.

**WCC Highways:** No objection.

**WCC Landscape:** Accept this land is allocated for employment uses. Recommend comparable maximum built heights of 8-12 metres with buildings stepped down towards both the road and river to assist integration. Development would need to be supported by significant depth of planting to soften the appearance of the development and break up the scale.

**National Highways:** No objection subject to conditions.

**Gardens Trust:** Object on the basis of the impact on the Grade I Listed Castle Park.

**Historic England:** We have concerns regarding the application on Heritage Grounds relating to the impact on the setting of Heritage Assets within the proximity of the development and the potential for archaeological deposits to be present on the site.

**Warks Fire and Rescue:** No objection subject to fire hydrant condition.

**Warks Police Designing Out Crime Officer:** No objection. Provided recommendations for specification of future units to minimise impact of crime.

**Public Response:** A total of 153 comments received objecting on the following grounds:

- Would result in large buildings on greenfield site on entrance to Warwick.

- Out of keeping with main access route into Warwick.
- Would exacerbate existing traffic congestion on Stratford Road.
- Will further increase HGV Movements.
- Stratford Road already has poor pedestrian/cyclist connectivity.
- Would need to be conditioned for hours of use and traffic movements as adjacent to residential properties.
- Unit 3 would impact on privacy and outlook of houses opposite.
- Local residents are being boxed in by super size warehouses.
- Will be visually harmful, especially in winter with no leaves on trees.
- Will be visible from long distances and from surrounding villages.
- Unit 3 at 18.5m is ridiculous and out of character with everything in the area.
- Would need to be significantly reduced in scale to be acceptable.
- Wildlife boundary is being squeezed by development.
- Development is harmful to the environment.
- Will destroy wildlife habitats.
- Will result in increased noise disturbance due to location of loading bays.
- Too much development in the area with little regard for residents.
- Increased air pollution.
- Site within Flood Zone so if approved, measures taken to address flood risk must be provided.
- Buildings will remove sunlight from Earls Meadow.
- Vacant plots are still available on Tournament Fields so are more even required.
- Should retain farmers' fields.
- Transport modelling is fundamentally flawed.
- Approach to roundabout for cyclists needs to be reviewed.
- Should not build on green belt land.
- Land should be used for alternative purposes such as combatting climate change.
- Submitted building heights document shows that a building of this scale is not appropriate for this location.
- 2014 report for the Local Plan for the area states that development of the site should be of sympathetic character and should not have too great an impact on the character and significance of nearby Listed Buildings (The Old House and Barn).

## **BACKGROUND**

This application was referred to Planning Committee on September 13th 2023 where Members voted to defer the application for a Site Visit.

## **ASSESSMENT**

### **Principle of Development**

The proposal is an outline planning application for employment development consisting of Use Class B2 (General Industrial), Use Class B8 (Storage and Distribution) and Use Class E g) iii) (Light Industrial) together with associated

development. The proposal is in outline form and only access is being approved at this stage.

The site forms part of Employment Allocation E2 as identified within the Local Plan. Policy DS9 identifies the site as being suitable to deliver a range of employment uses and relates well to the strategic road network.

Policy EC1 relates to directing new employment development and identifies the land contained within allocation E2 as acceptable for new employment provision within use Classes B1 (b) and (c) (both now within Use Class E), Use Class B2 and Use Class B8.

The application site extends to approximately 8.8 hectares of the total allocation of 11.7 hectares. The remaining element of the land is not within the applicant's control.

As the development falls wholly within the employment allocation and the proposal is for uses falling within the employment categorisation, Officers are satisfied that the principle of development is acceptable.

### **Design and impact on visual amenity and the character of surrounding area**

Policy BE1 of the Local Plan 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 on the character of the local area.

Section 12 of 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.

The starting position for the assessment of the site in visual terms is that the site is allocated for employment uses within the Local Plan. This area has been assessed for acceptability at a strategic level in order for the site to be allocated. Therefore, any assessment of its impact must be undertaken within the context that development for employment purposes is anticipated on this land. On this basis, it would be inappropriate for the scheme to be considered on the basis of its impact relative to the current use and status of the land. The land is currently predominantly open grassland to the majority of the site with the eastern area forming the old Severn Trent works buildings and associated parking facilities and which is considered to represent previously developed brownfield land.

In confirming the allocation in the Local Plan, the appointed Inspector made the following assessment of the site:

*The proposed site allocation at Stratford Road (E4) lies to the south of the built-up area of Warwick near Junction 15 of the M40. It is not in the Green Belt. A significant element of the site is previously developed, and it contains a number of buildings. The large, committed employment site at Tournament Fields is on the opposite side of Stratford Road and there is a concentration of development including hotels between the proposed site and the motorway junction. Within this context and subject to detailed proposals, the development of the site for employment uses would not have a significant effect on the character and appearance of the area.*

This is an outline application with all matters reserved for subsequent approval except for access. The final design and layout of the building(s) is therefore not yet known and at this stage only a Parameters Plan has been provided showing the anticipated quantum of development within the site together with an indication of where, within the site, development could be proposed with a maximum height of up to 18 metres being shown.

During the course of the application, a Landscape and Visual Response Note was submitted which assesses the effect of the proposed development on the landscape and visual receptors of the site and its surroundings. The document provides an assessment of effects informed by the Parameters Plan and verified wireframe visualisations prepared for the representative views. These images demonstrate a 'worst case scenario' of the maximum height of 18 metres set across the extent of the site to highlight the views of the site from surrounding receptors.

It is noted by Officers that the identified extent of development within the document is based on all buildings being 18 metres in height. However, from discussions with the applicant, it is noted that it would be highly unlikely that all buildings would require a height of 18 metres due to the scale of the building necessary to necessitate such a roof structure meaning that only a single unit of such a scale could theoretically fit on the site and deliver the requisite landscaping and car/lorry parking and turning space.

When viewed from distance, it is noted that site would be viewed within the same context as the existing Tournament Fields development that lies to the east. Tournament Fields extends to approximately 20 hectares and contains a range of building scales across the site with the Scholastic Unit being the largest with a height of 18.5 metres to ridge.

Officers acknowledge that the site will clearly have a degree of visibility from the surrounding area, and this will represent a change to the current visual appearance. However, this would have been anticipated when the site was allocated for employment development and Officers consider that, subject to a reserved matters scheme being submitted with a good quality landscaping scheme, the visual presence of the site would be amalgamated satisfactorily into the wider landscape.

With additional landscaping measures to enhance the buffer zone, Officers are satisfied that the proposal would be acceptable.

Mitigation measures would be incorporated into the detailed design of the scheme at reserved matters stage, and these would be considered for acceptability at that stage. The indicative layout is simply laid out to show how a scheme may come forward. At the current time, there is no specific end user identified for the site so there is the potential for a detailed reserved matters scheme to include a number of smaller units or a lesser number of larger units, depending on the requirements of the end user, once identified. The outline nature of the application maximises the flexibility of the site in order to deliver development on the site for future site operators. Notwithstanding how the final layout of the site would be laid out, this matter would be considered at a later stage through the reserved matters.

In concluding on the above matters, Officers have balanced the concerns of the consultees with the fact that the land is a formal allocation within the Local Plan for Employment development and the fact that the scheme has been supported with a Landscape Assessment to demonstrate that the views of the site would be mitigated by existing planting.

With additional landscaping works submitted as part of a reserved matters application, Officers are satisfied that the scheme can be satisfactorily amalgamated within the wider landscape?? without any significant level of harm.

Subject to the final design of the scheme and associated landscaping, Officers are satisfied that the development is acceptable having regard to Policies HE1 and BE1 of the Local Plan.

The site is not within a conservation area and there are no statutory or locally listed buildings within the site. However, the application site is adjacent to the Castle Park Registered Park and Garden which lies to the east across the river Avon.

### **Impact on Heritage Assets**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the LPA to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 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.

Warwick District Local Plan Policy HE1 (protection of statutory heritage assets) states that permission will not be granted to alter or extend a listed building where those works will adversely affect its special architectural or historic interest, integrity, or setting.

The key Heritage Assets that would be affected by this proposal are the Castle Park that lies on the opposite side of the River Avon to the East and the Listed Buildings known as The Old House and West Barn, that lie approximately 65 metres



to the west of the application site. In addition, Longbridge Manor lies to the south west of the site approximately 140 metres from the nearest site boundary.

Concern has been raised due to the proximity of the site to Castle Park, which is a Grade I registered park and garden. Between the site and Castle Park lies the River Avon. Adjacent to the river is a dense landscaping belt consisting of a range of mature trees and hedging that affords a significant buffer between the park and the application site. It is also noted that this area of the site already contains the brownfield element of the site consisting of buildings and hardstandings.

During the consideration of the site for suitability to be allocated as Employment Land within the Local Plan, a Heritage Impact Assessment was carried out of the wider site allocation. This assessment concluded that the impact on designated and non-designated heritage assets within or adjacent to the study area, or their settings, through the development of the southern part of the study area will be negligible, but that further information on the site's archaeological potential is desirable. The National Planning Policy Framework, as a general rule, recommends approval of development unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. On the available evidence there appear to be, in heritage terms, no such adverse impacts.

In Officers' opinion, the presence of the mature planting belt together with the existing brownfield nature of the site is such that the creation of new employment buildings on this area of the site would have some impact on the Castle Park but the existing buffer between the sites would be sufficient to ensure the harm is minimised and the harm would be less than substantial.

The impact on the heritage assets affected by the proposal is predominantly due to concern raised by the indicative height of the development, which would be an intrusively dominant addition, resulting in detrimental impact on the significant of the designated heritage asset.

It is acknowledged that the proposed development would be higher than the existing buildings in the area. However, the application site is partially on brownfield land within an already established commercial use? which contains a range of low-level buildings and associated hardstandings. Officers consider that some of the negative visual effects can be mitigated through considerate design, choice of materials and landscape. It is considered that the location for this type of development is appropriate. As such, there is considered to be limited harm which results in less than substantial harm to the setting of the identified heritage Assets.

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 asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

Given the identified harm, consideration needs to be given to any public benefits as a result of this proposal. The applicant states that the proposal will bring an allocated employment site into use and that it is expected to generate a significant number of jobs when fully operational, depending on the final uses of the development. The development also makes the best use of the site, which is allocated for employment purposes in a location earmarked within the Local Plan as being well-related to the strategic road network and this would outweigh the harm to the Heritage Asset.

The public benefits identified – that the development would provide significant employment opportunities – are considered to outweigh the identified less than substantial harm to the designated heritage assets subject to considerate design at reserved matters stage(s).

Having considered the proposal, Officers are satisfied that the public benefits outweigh the identified harm and, subject to appropriate conditions, the development is acceptable having regard to Policy HE1 of the Local Plan.

### **Impact on adjacent properties**

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The nearest residential receptor to the site is a single bungalow served off the access drive to the site. This property is situated to the north of the site and would be away from any proposed buildings as set out on the indicative plans. Whilst adjacent to the access, the property would be subject to potential noise impacts from vehicle movements associated with the development. The access road remains unchanged and whilst it is noted that the proposal would increase traffic along the access, it is Officers' opinion that the proposal would not result in additional harm to that already experienced at the property due to its location. It is also noted that this property is within the control of the applicants.

In addition, a range of properties known as Earls Meadow to the west of the site and beyond this, lies The Peacocks, a further residential development. The nearest property is No. 1 Earls Meadow that is approximately 22 metres from the boundary of the site, as measured to the rear boundary of the garden. The site is separated from the development by the main A429 Stratford Road.

Whilst this is an outline application, the applicants have provided an indicative masterplan that identifies a potential layout for the site. This would set a proposed building into the site which increases the separation to in excess of 80 metres from the nearest residential property. Officers are satisfied that the separation distance is sufficient to ensure that the proposal would not result in any harmful overshadowing or overbearing impact that would be detrimental to the residential amenity of the residents to the west.

It is noted that the site masterplan is only indicative, and the final layout is not yet fixed. The final detail of the layout would be considered at reserved matters

stage and Officers acknowledge that the layout may be different to that shown at outline. However, Officers note that any proposal would be assessed on its own merits for acceptability and the grant of an outline permission does not undermine the LPA's ability to resist a scheme at reserved matters stage where that scheme was considered to be harmful to residential amenity.

The proposed parameters plan has set a maximum height of buildings of 18 metres. It is noted that this would be a maximum parameter in order that a building can be provided with a clear eaves height of 15 metres, if required. Officers note that there is a high level of concern regarding this potential height. It is noted that the scheme is indicative, and this parameter would ensure that the site is marketable to future occupiers who may be looking for a new site for a storage and distribution enterprise. However, the final design and appearance of the buildings would be subject to a separate reserved matters submission to ensure that the development would be acceptable.

In considering the above, Officers note that the proposal seeks to retain all existing boundary vegetation and enhance this with additional planting to strengthen and bolster the screening to mitigate for the potential impact of the proposal. As this is an outline application, the final details of the landscaping will be provided at the reserved matters stage where it will be assessed for acceptability.

Whilst it is noted that the development has attracted a substantial number of comments from nearby occupiers, Officers note that the development forms part of an identified Employment Allocation for development and the outline application is therefore acceptable in principle. Matters of detail would be considered at reserved matters stage. The outline application seeks to impose a framework to inform the reserved matters submissions and any future applications would have to comply with these requirements, as well as being subject to scrutiny in term of the impact on residential properties, as is required for all detailed proposals.

The Environmental Protection Officer has considered the proposal and has requested that a condition be imposed to set a maximum noise level. This is proposed to be measured from the site boundary on the Stratford Road side of the development where the residential receptors are located. This will provide easy access for monitoring purposes. The introduction of a noise restriction would ensure that the proposed development comes forward in a format that would not result in harm to residential amenity from excessive noise or disturbance.

Subject to the imposition of conditions, Officers consider that the development is acceptable having regard to Policy BE3.

### **Amenity of future occupiers**

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

The site lies to the south of the Severn Trent Treatment works. Around this area is a cordon sanitaire to provide a separation between the sewage treatment works

and new development that may have sensitive receptors. The layout proposed is only indicative, but it has demonstrated that the site can satisfactorily place all areas of the buildings where staff would normally be located (such as offices, reception areas etc) outside of the cordon sanitaire. Whilst this is only indicative, Officers are satisfied that a condition can be used to set parameters for the development to ensure that future staff are not located in areas of the building that are within the cordon sanitaire.

Subject to the above condition, Officers are satisfied that the development is acceptable having regard to Policy BE3.

### **Highway Safety**

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The Planning Application was supported by a Transport Statement which considered the impact of the development related traffic generation on the surrounding highway network.

Concerns were initially raised by Warwickshire County Transport Planning in respect of the impact on the Stratford Road Southbound approach to M40 Junction 15. However, further analysis of this specific location has satisfactorily demonstrated that the impact from the development will not be severe, therefore the principles of paragraph 111 of the revised NPPF (July 2021) apply in that there are no severe impacts nor safety concerns associated with the proposal.

The existing access from the A429 is considered suitable for the proposed use. Given that the application is outline only and that no alterations are required, the Highway Authority does not recommend any conditions be applied for Highway requirements.

In addition to the assessment by Warwickshire County Highways, the development has also been assessed by National Highways for potential impact on the operation of the strategic highway network, in this case, the M40 and A46 together with the Longbridge Island junction.

The initial assessment of the scheme identified the need for additional transport modelling to fully assess the potential impact. All necessary information was submitted to National Highways by the applicant's transport consultant.

Having reviewed the application and the additional information provided by the applicant, National Highways are satisfied that an appropriately robust assessment of the development has been undertaken at this outline planning application stage. They acknowledge that the site is allocated in an adopted Local Plan and are satisfied that the development proposals can be accommodated within the existing capacity of the M40 junctions which comprise the strategic road network in the

vicinity. Therefore, the final response of National Highways is one of no objection subject to conditions.

In terms of parking, the indicative plans identify that appropriate levels of parking can be satisfactorily achieved on site. The final level of parking will be dictated by the scale of any proposed unit that comes forward at reserved matters stage. Part of the assessment of the reserved matters will be to ensure that appropriate levels of parking on site are achieved.

Officers are satisfied that subject to the recommended conditions, the proposal would not result in harm to highway safety having regard to Policies TR1 and TR3 of the Local Plan.

### **Impact on Ecology/Protected Species**

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The proposal has been assessed by the County Ecologist who has considered that the survey work undertaken is comprehensive and recommends that further details relating to the site works are secured through a Construction Environmental Management Plan (CEMP). This will ensure that appropriate methodology is used for site clearance and preparatory works to ensure that protected species are not harmed by the development. In addition, an Environmental Management Plan for the creation and management of future habitats to maximise opportunities for ecological features to be secured within the site is also proposed.

The proposal has also been assessed for Biodiversity Net Gain. The development would result in a net loss of 14.16 units. For the application to be acceptable under the NPPF and local plan policy NE3, the application will need to offset this by funding biodiversity enhancement elsewhere within the district. This will be secured by a Section 106 Agreement. To discharge the obligation, the applicant will need to present to Warwickshire County Council Ecology a biodiversity offsetting plan appropriate to the loss of 14.16 units. The habitat compensation will need to comply with the trading rules relevant to this application.

Subject to the completion of the Section 106 Agreement and the recommended conditions, Officers consider that the proposal is acceptable having regard to Policy NE3.

### **Other Matters**

#### Trees/Hedgerows

The existing site has most of the trees and hedgerows located to the boundaries of the site. At the current time, a row of lime trees forms the boundary between the existing Severn Trent depot and the open field.

The trees forming this boundary are proposed to be removed to open the land to create a single site for the development of employment uses. The trees have been assessed by both the Arboricultural Officer and the County Ecologist who have both raised no objection to the removal of these trees.

Whilst the loss of any trees on a site is unfortunate, Officers clearly acknowledge that in their current location, the trees would hinder a comprehensive development of the site if retained and it is therefore considered that the loss of these trees is justified.

As part of the reserved matters, detailed landscaping plans will be required, and Officers will ensure that any trees lost are replaced in equal or greater numbers.

### Archaeology

The site has been considered to represent an area that has the potential for high levels of archaeological features. The applicants have carried out a Geo-Physical Assessment of the site that did not identify any significant features but having discussed this with the County Archaeologist, a scheme of trial trenching has been commenced across the greenfield area of the land to west. A hybrid approach is proposed with further investigation proposed for the eastern area of the site once the area has been cleared. This will be tailored based upon the outcome of the trial trenching. This element will be controlled by an appropriately worded planning condition to secure the additional works.

### Drainage/Flood Risk

The site is predominantly within Flood Zone 1 with the identified Flood Zones 2 and 3 covering part of the southern area of the site. Accordingly, a Flood Risk Assessment has been submitted with the application, together with a drainage strategy for the wider site. This information has been considered by the Lead Local Flood Authority (LLFA) and updated accordingly during the course of the application.

The LLFA have assessed the proposals and, following the submission of additional drainage information and clarification in regard to the outline drainage strategy, the final response is one of no objection, subject to a number of recommended conditions which would be attached to any forthcoming outline permission.

Subject to the inclusion of all necessary conditions on the outline permission Officers are satisfied that the site can accommodate the proposed quantum of development without detriment to flooding or drainage and as such it is considered that the proposal accords with Policies FW1 and FW2.

### Adapting to Climate Change/Sustainability Measures

Policy CC1 seeks to ensure that all new development is resilient to and adapted to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

Policy CC3 requires all non-residential development over 1,000 sq.m. to achieve as a minimum BREEAM standard 'Very Good' (or any future national equivalent) unless it can be demonstrated that it is financially unviable, or a suitable alternative sustainability strategy is proposed and agreed.

As the development is purely outline with no identified final design or end user, no specific energy statement has been provided at this time. Within the Design and Access Statement, the applicant is aware of the requirement to provide a development that seeks to achieve a BREEAM 'Very Good' standard.

Prior to the submission of any reserved matters for new building operations, a condition is proposed to secure a BREEAM pre-assessment to demonstrate how any forthcoming building will achieve or exceed the required BREEAM standard of 'Very Good' set out in Policy CC3. Thereafter, conditions will secure the most sustainable form of construction through the requirement for a BREEAM Design Stage Assessment.

In addition to the BREEAM Requirements, a condition securing energy saving measures will also be secured to ensure that the future development of the site is as sustainable as possible.

Having regard to the above, the proposal is considered to accord with Policies CC1 and CC3.

Compliance with Policy FW3 in terms of water efficiency is to be secured by condition.

#### Air Quality Mitigation

As the proposal is a major development, conditions will be imposed in accordance with the adopted Air Quality Supplementary Planning Document to secure Type 1 and Type 2 Mitigation measures. These measures are normally EV Charging Points. In addition to Type 1 and Type 2 Mitigation measures, as the proposal is a major development, Type 3 Mitigation is also required. This would be in the form of a financial contribution to wider air quality mitigation projects within the local area. This contribution would be secured through the Section 106 Agreement.

Subject to the necessary conditions and Section 106 obligation, Officers are satisfied that the development is acceptable in terms of Air Quality.

#### Section 106

As set out above, a Section 106 Agreement is required to secure the two financial obligations proposed for this development, namely.

- Biodiversity Offsetting.
- Type 3 Air Quality Mitigation.

The proposal is therefore recommended for approval subject to the signing of the Section 106 Agreement.

#### Connectivity to the Balance of the Allocation

The proposed development area of this application extends to approximately 8.8 hectares with an additional 3 hectares located to the south. In order to prevent the potential landlocking of the further site area, a condition is proposed to require an appropriate access to be delivered up to the boundary of the site with the adjacent land to allow for easy connectivity for any future phase.

#### Timescales

Due the nature of this development, the applicants have requested an additional period for the submission of reserved matters to reflect the complexity of bringing the site forward together with the need to secure end users for the site.

Officers consider that this would be an acceptable justification for an extended period and this is reflected in the wording of the proposed conditions 2 and 3.

#### **Conclusion**

This is an outline planning application, with all matters reserved except for access for the development of 8.8 hectares of land for employment purposes consisting of Use Classes B2, B8 and E(g)iii.

No indicative details have been presented at this stage in relation to the possible siting or appearance, but a Parameters Plan indicates the parts of the site in which built form is expected to be located. The Parameters Plan also sets out the maximum scales of development within the site.

The principle of development is considered acceptable having regard to Policies EC1 and DS9.

Having regard to all the possible impacts of the proposed development, in relation to visual and landscape impacts, the setting of heritage assets, residential amenity, highway safety and traffic, drainage, ecology, sustainability measures and air quality, Officers are satisfied that the site can accommodate the proposed development without causing demonstrable harm to the aforementioned matters. In making this assessment, regard has been had to a number of proposed mitigation measures, necessary conditions to secure such measures which would form part of any approved outline permission and a S.106 Agreement that further seeks to ensure the impacts of the development are properly mitigated.

Subject to such conditions being imposed and the subsequent reserved matters applications having regard to the considerations and requirements set out in this report, it is recommended that planning permission be approved subject to the conditions set out below, as well as the relevant terms of the S.106 Agreement which are summarised above in this report.



## **CONDITIONS**

- 1 Details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved.

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

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission.

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development to which this permission relates shall begin within eight years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later.

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 4 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide for;

- temporary measures required to manage traffic during construction
- plans and details for the turning, unloading and loading of vehicles within the site during the construction
- the parking of vehicles of site operatives and visitors; site working hours and delivery times
- the loading and unloading of plant and materials
- the storage of plant and materials used in constructing the development
- the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate
- wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway
- measures to control the emission of dust and dirt during construction
- details in relation to mitigation of potential noise and vibration
- restrictions on burning
- a scheme for recycling / disposing of waste resulting from demolition and construction works

- details of all temporary contractors buildings.

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.

- 5 Prior to commencement of construction works, a Construction Traffic Management Plan (CTMP) for the proposed development (including proposed mitigation schemes on the highway network) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The approved plan shall be adhered to throughout the construction period.

**Reason:** To ensure the efficient and reliable operation of the Strategic Road Network during construction stage.

- 6 With the exception of demolition, no development shall commence until:

1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). 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 2
- The development of a method statement detailing the remediation requirements

a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

b) 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 local 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 local planning authority prior to the remediation being carried out on the site.

All development of the site shall accord with the approved method statement.

2. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local 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.
3. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

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

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

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

No building shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- 8 Prior to the submission of Reserved Matters for any new building, a BREEAM pre-assessment demonstrating how the proposed building will achieve BREEAM "Very Good" Standard (or better) shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development hereby permitted shall not be commenced unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority within 3 months of first occupation.

**Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

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

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;

- Connections to areas important for foraging should contain unlit stretches.

**Reason:** In accordance with NPPF, ODPM Circular 2005/06 and Policy NE2 of the Warwick District Local Plan 2011-2029.

10 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details including:

- existing habitat and protected/notable species information, including a clear site plan;
- updated and detailed protected and notable species surveys as required prior to work starting on site, together with any appropriate follow-up measures to be taken;
- details of tree and shrub protection;
- care should be taken when clearing the ground prior to development to ensure protected and/or notable species are not adversely affected during or after the construction period. If evidence of reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England are contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010;
- Any holes or trenches shall be covered over at night & other periods when the site is undisturbed, to prevent animals falling into them. Any materials stored during such times should be raised above ground (eg on pallets) to prevent animals sheltering underneath them, and building waste put in skips and not left lying around for animals to take refuge in it. Concrete not to be left unset during such times unless suitable barriers are erected;
- Breathable roofing membranes, BRMs, started to be used from 2004 onwards. Research has shown that all BRMs pose a threat of entanglement to bats. Only traditional Type 1F bitumen roofing felt is safe for bats. Further advice and information can be obtained from the Bat Conservation Trust (BCT); and
- Any proposed habitat enhancements such as tree & shrub planting should also be detailed, and should be of native species, and in line with the Warwickshire Landscape guidelines. Aftercare details to be included, such as avoidance of harmful pesticide use.

The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

**Reason:** To ensure that trees and shrubs, together with protected species are not harmed by the development, and to enhance the nature conservation value of the site 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.

- 11 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

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

- 12 Prior to the commencement of any phase of the development hereby approved (including all preparatory work), a Tree Protection Plan and an Arboricultural Method Statement, together referred to as the scheme of protection, that will detail how the retained trees are to be protected from harm during the development 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.

Specific issues to be considered in the scheme of protection shall include how to control:

- the impact that demolition may have (if appropriate).
- the impact that the installation of services/utilities/drainage may have (if appropriate).
- the impact that construction may have
- the impact that changes in level may have.

The scheme of protection should make recommendations for:

1. tree pruning to allow the development to proceed (if appropriate)
2. tree protection, to be shown on the TPP with offsets from fixed points to confirm the alignment of any protective fencing and the extent of any ground protection
3. tree protection measures where under-and overground services are to be installed close to retained trees (if appropriate)
4. ground protection where scaffolding will be erected (if appropriate)
5. ground protection where cranes will be installed (if appropriate).

6. the specification and installation of any boundary treatments within or adjacent RPA's or that may impact any of the retained trees
7. the specification for the construction of any access, driveway, parking area or the like that encroach over the RPA's of the retained trees
8. site setup, including (but not limited to) site access, parking, on-site welfare facilities, temporary buildings, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing, including suitable control measures to protect the retained trees from harm from those facilities or activities
9. 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
10. The development thereafter shall be implemented in strict accordance with the approved scheme of protection.

**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.

13 Prior to the submission of any Reserved Matters applications for any phase of development:

- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work for the eastern area of the site shall be submitted to and approved in writing by the Local Planning Authority
- b) The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the Local 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 result 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 were applicable,

before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

14 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 30l/s for the site in line with the approved Flood Risk Assessment and Drainage Strategy (ref 330201857/400 revision 1, dated 17/01/2023).

2. Where the drainage scheme proposes to connect into an existing surface water sewer network details should be provided demonstrating the suitability of the outfall location. Details should include:

- a. The point of connection location
- b. Evidence that the existing network is in a suitable condition to provide a suitable outfall for the site.
- c. A method statement for the connection works.
- d. Agreement under Section 106 of the Water Industry Act (1991) as appropriate.

3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date may be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.

4. Provide detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:

- a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.
- b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events



c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.

d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

6. Provide plans such as external levels plans, supporting the exceedance and overland flow routeing provided to date. Such overland flow routing should:

a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.

b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.

c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity.

15 No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (ref 330201857/400 revision 1, dated 17/01/2023) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. 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

3. Results of any performance testing undertaken as a part of the application process (if required / necessary)

4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

5. Confirmation that the system is free from defects, damage and foreign objects

**Reason:** To secure the satisfactory drainage of the site in accordance with the agreed strategy, the NPPF and Local Planning Policy.

16 No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should;

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

**Reason:** To ensure the future maintenance of the sustainable drainage structures.

17 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details.

**Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

18 The Reserved Matters for any phase to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels and cross-sections to show the relationship with adjacent land and buildings.

**Reason:** In the interests of urban design and to ensure the proposals do not harm the amenity of nearby buildings and they are in keeping with the surrounding landscape in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

19 The Reserved Matters for any phase to be submitted in accordance with Condition 1 shall include samples of facing, roofing and hard surfacing materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.

**Reason:** In the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 20 In respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights shall be within the maximum limits set down in approved Building Heights Plan drawing number 20464-0311-03 forming part of the approved application documentation.

**Reason:** To define the terms of the permission in the interests of urban design as well as highway safety and capacity in accordance with Policies BE1 and TR2 of the Warwick District Local Plan 2011-2029.

- 20 The development hereby permitted shall not be used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless:

- (a) a noise assessment (including details of noise mitigation measures if deemed appropriate) has been submitted to and approved in writing by the local planning authority; and
- (b) any noise mitigation measures approved under (a) have been implemented in strict accordance with the approved details. Any noise mitigation measures shall thereafter be retained and maintained in strict accordance with the approved details at all times that the unit is used for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987.'

**Reason:** To protect the living conditions of the nearby dwellings and hotel, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan.

- 21 The Reserved Matters to be submitted in accordance with Condition 1 shall include details of footpaths and cycleways for pedestrians and cyclists, including details of how new links will connect into the existing footpath/cycleway network. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.

**Reason:** In the interests of urban design and the promotion of sustainable transport choices in accordance with Policies BE1 and TR1 of the Warwick District Local Plan 2011-2029.

- 22 The Reserved Matters to be submitted in accordance with Condition 1 shall include details of the provision of access for vehicles to include access for pedestrians and cyclists up to and including the ownership boundary to allow unhindered connection into the remainder of the allocated site. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the Local Planning Authority.

**Reason:** In the interests of comprehensive development, urban design and the promotion of sustainable transport choices in accordance with Policies BE1 and TR1 of the Warwick District Local Plan 2011-2029.

- 23 Any soft landscaping referred to in Condition 1 shall be completed in all respects within 6 months of the substantial completion of development. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs 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 there interest of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 24 Where trees are to be felled or lopped, it should be ensured that this work does not disturb nesting birds, with work ideally being conducted outside the main breeding season (March-September). All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act. In addition, if mature trees are likely to be affected by the development, (e.g. by felling or lopping work), it is important to survey these trees for the presence of bats prior to work starting.

**Reason:** Bats and their roost sites are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act, and are also deemed a European Protected Species. Local Authorities are bound by the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their functions.

- 25 The Reserved Matters to be submitted for any phase in accordance with Condition 1 shall include details of secure cycle parking of an appropriate level for the proposed floor space of the building. The development shall be constructed in full accordance with such approved details and thereafter those facilities shall remain available for use at all times.

**Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.

- 26 Within one month of the occupation date of any new building, an updated Travel Plan in accordance with Warwickshire County Council guidance will be submitted and approved in writing by the Local Planning Authority in consultation with the Local Highway Authorities to include arrangements for ongoing monitoring of implementation and effectiveness with targets to reduce private car movements to and from the site.

**Reason:** To ensure the provision of opportunities for travel by all modes of transport to and from the development site and prevent a reliance on car-based journeys. Ensuring the safe and efficient operation of the highway network and protecting the environment.

- 27 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). 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 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.

- 28 No noisy external activities likely to cause nuisance to nearby residences shall take place on site before 0700 hours or after 1900 hours on Monday to Saturday or before 0900 hours or after 1800 hours on a Sunday or Bank / Public Holiday.

**Reason:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 29 As part of any reserved matters submission for a new building on the site, a supplementary noise impact assessment report and, where necessary, a noise mitigation scheme shall be submitted to ensure that potential adverse noise impacts are reduced to a minimum. This assessment should be a refinement of the applicant's existing noise assessment report (Ref. NT15727, dated April 2022) and tailored to address the finalised proposed site layout. Thereafter, the development shall not be occupied until the noise mitigation measures have been put in place and maintained in perpetuity.

**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.

- 30 The development hereby permitted shall not be occupied unless and until an acoustic close-boarded fence has been installed between the western boundary and any proposed service yard located on that area of the site in accordance with details to be submitted to and approved in writing by

the Local Planning Authority. The fence shall be imperforate, sealed at the base, and shall have a minimum superficial density of at least 10kg/sq.m. Once installed the fence shall be retained thereafter and shall not be altered in any way without expressed written consent from the local planning authority.

**Reason:** To protect the amenities of occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 31 To ensure that future site users are not exposed to unpleasant/offensive odours from the adjacent sewage treatment works, regularly occupied spaces such as receptions, offices, canteens, etc. should not be located within the 5.0 (or higher) ouE/m<sup>3</sup> odour contour areas as shown on Figure 4 of the Olfasense odour impact assessment report (Ref. STMP20A\_06\_FINAL, date 29<sup>th</sup> June 2021).

Any office accommodation ancillary to industrial units within these areas will likely require filtered air ventilation and cooling system to minimise the ingress of odours. It would be advisable to factor in filtered ventilation systems in all regularly occupied spaces across the development to account for any uncertainties in the odour modelling process. The reserved matters application shall provide a proposed site layout drawing with the odour contour plan overlaid to demonstrate which (if any) structures will be located within the 5.0 ouE/m<sup>3</sup> and above odour contour areas. Where regularly occupied spaces are proposed within these contour areas, the reserved matters application shall detail the arrangements for odour mitigation.

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

- 32 No chimneys or flues shall be installed on any of the premises hereby permitted other than in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority

**Reason:** To ensure that the development 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.

- 33 Prior to the occupation of the development hereby permitted, one 16amp (minimum) electric vehicle recharging point per every 10 parking spaces shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging points; (2). A technical data sheet for the electric

vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging points shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded).

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

- 34 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures (including details of hours of operation) shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

**Reason:** To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

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