

**Planning Committee:** 29 March 2022

**Item Number:** 5

**Application No:** [W 21 / 2192](#)

**Town/Parish Council:** Warwick  
**Case Officer:** Lucy Hammond

**Registration Date:** 06/12/21  
**Expiry Date:** 07/03/22

01926 456534 lucy.hammond@warwickdc.gov.uk

**Land at Leafields, Warwick**

Proposed relocation of car park at Leafields, comprising reinforced grass, with landscaping and associated works. FOR Merlin Attractions Operations Ltd  
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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

That, subject to the completion of a Unilateral Undertaking, planning permission be granted subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought to relocate the existing overflow car park from its current site next to the River Avon, to the adjoining field parcel which lies immediately adjacent the western boundary of the existing car park.

The relocated car park would accommodate up to 1,400 cars, representing a net increase of 100 spaces over and above the existing overflow's capacity, which is 1,300 spaces.

Access arrangements would remain the same as existing; via the Stratford Road entrance and use of the car park would also be as per the existing arrangements; limited to the normal opening of the Castle grounds between 10:00 hours and 17:00 hours. No external lighting is proposed as part of this application, thereby further limiting the use of the car park in winter months.

It is anticipated that there would be no discernible change to the patterns of use compared to the existing situation. A summary of the key points of the proposal are set out below:-

- A short section of gravel track is proposed to the north of the application site at the point of access. The rest of the application site would be reinforced grass, which would be perceived as grass;
- The entire construction would be no-dig and no turf or topsoil would be removed;
- The proposal would not result in any significant tree or hedge loss. Where the gravel track crosses root protection areas, it would be laid on geotextile and Cellweb over the existing grass surface such that there would be no detrimental impact on trees;

- The car parking would be sited to provide buffer zones which protect existing trees;
- New hedgerow, improved grassland and scrub planting is proposed which would assist in screening the site, particularly in views from the south;
- An agricultural fence with rabbit wire would run around the entire perimeter and enclose the buffer zone which protects the clump of oak trees on the eastern boundary;
- There would be no external lighting; and
- The existing car park would be restored to pastureland.

As with the existing car park and the wider Castle Park, the application site would not be publicly accessible, except to visitors of the Castle.

### **THE SITE AND ITS LOCATION**

The application site totals 4.14ha and is located to the south of the Castle grounds at Leafields, immediately to the west of the existing overflow car park. Both the application site and the existing car park are within the grounds of Castle Park, which also covers land further to the south. The River Avon lies to the east of the existing car park. Access is obtained via the internal estate road from Stratford Road.

A dense woodland belt known as "The Lilacs" occupies land to the west and provides screening from Foxes Way and Leyfields Crescent. Woodland to the north separates the application site from Knight's Village. On the eastern boundary is a linear clump of English oaks. The entire site is bound by a post and wire fence such that there is currently no visual separation with land to the south or east.

The site, which at present is pastureland, is generally rectangular in shape with a gentle fall in levels in an easterly direction towards the River Avon. It is located within Flood Zone 1.

The wider setting contains the Grade I listed Castle, a Scheduled Ancient Monument, and the Grade I Registered mid eighteenth-century Park and Garden, all within the Warwick Conservation Area.

### **PLANNING HISTORY**

While there is extensive planning history within the wider Castle site, there is nothing of direct relevance to this application site edged red.

### **RELEVANT POLICIES**

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- PC0 - Prosperous Communities
- BE1 - Layout and Design
- BE3 - Amenity
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- HE4 - Archaeology

- CT6 - Warwick Castle and St Mary's Lands, Warwick
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- FW1 - Development in Areas at Risk of Flooding

## **SUMMARY OF REPRESENTATIONS**

**Historic England:** Previous concerns now overcome; remaining comments relate to the planting of parkland trees in the eastern site

**WDC Conservation:** Further to the submission of revised plans, there is no objection to the development; the impact overall is considered neutral with parkland trees now proposed and arguably heritage enhancements given the revealing of the carriage drive which, in turn, enhances the significance of the Registered Park & Garden.

**Society for the Protection of Ancient Buildings:** No comments to make; content to delegate to Conservation Officer

**WCC Landscape:** Previous concerns largely overcome through the submission of amended plans; parkland trees should however be introduced to the eastern parcel of land as well as to the west so it reads as a continuation of the parkland setting and helps visually connect the fields

**Open Space:** No objection; some comments made in relation to landscaping matters

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

**LLFA:** No objection subject to condition

**WCC Highways:** No objection

**Safer Communities, Health & Community Protection (Environmental Health):** No objection subject to conditions

**Gardens Trust:** Maintained objection; it is noted that the amendments made to the plans represent an improvement however a car park does not constitute a heritage gain, regardless of the mitigation proposed. Further comments are made in respect of additional planting which should be considered.

### **Public Response:**

127 objections (including a number of duplicate comments from the same individuals and not all of whom are local residents) received raising the following concerns:

- Increased noise
- Increased air pollution
- Harm to a historic landscape
- Impact on protected species

- Impact on rural landscape
- Loss of privacy
- Concern about use of lighting
- Degradation of soil
- Concerned about the environmental impact
- Increased risk of flooding
- This won't benefit the town or the local economy
- This does not respond to the Climate Emergency
- Insufficient mitigation is proposed
- There is no guarantee the existing car park will be returned to pastureland

Other non-material considerations made, including:

- Loss of view from nearby properties
- The level of consultation on the application
- There is no need for the proposal
- Other sites should have been considered for parking
- Uncertainty over future plans by the Castle
- Reference made to an unrelated site for a non-comparable development which was refused some 12 years ago under the former Local Plan

Other comments made based on incorrect information/misunderstanding of the proposals, including:

- The site is in the Green Belt
- The size of the car park will double (and in some representations is alleged to triple)
- The whole area will be covered in tarmac

Other objections received from:-

#### Conservation Advisory Forum (CAF)

Objection for the following reasons:

- Impact on the open pastureland
- Agreement with the comments of CPRE and WCC Landscape is noted
- Disagree with the comments of Historic England that this would be less harmful through the relocation away from the river
- Overall, harmful to the national significance of the Registered Park and Garden within the setting of a Grade I listed building

#### CPRE

Objection for the following reasons:

- Threats to habitats and biodiversity
- Impact on historical and socially significant landscape
- Impact on the amenity of local residents

8 support comments received raising the following matters:

- The Castle is such an important tourist attraction and utilising this area as overflow car parking is a good idea and beneficial to the town as it takes pressure off town centre parking which is already in high demand
- The Castle is critical to the town and it should be supported to keep the community strong and vibrant

- It is appropriate to move the existing overflow away from the river and closer to existing urbanised land
- Since little additional parking is proposed there will be no detriment to traffic levels in the town
- This proposed solution seems sensible providing it is well managed and not completely hard surfaced
- Any additional revenue from tourists and visitors to the Castle helps to fund ongoing maintenance and important work to the castle itself and this should be supported
- The existing overflow car park has been used, without incident, for approximately 20 years
- Increased tree planting would offer an increased level of protection against noise
- Warwick Chamber of Trade support Warwick Castle and further notes that the NPPF and the Local Plan support sustainable economic growth
- There are no grounds to object to the simple relocation of the existing overflow from one field to the adjacent field
- There is already substantial planting between the proposed overflow and existing properties but with additional tree planting proposed this will offer greater screening as well as biodiversity improvements

## **ASSESSMENT**

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

- The principle of development including the impact on the heritage assets;
- Access and highway safety;
- The impact on residential amenity; and
- Other matters (drainage, ecology).

### **Principle of development (including the impact on Heritage Assets)**

#### National and Local Policies

Policy CT6 of the Local Plan relates specifically to Warwick Castle (and St Mary's Lands) and states that development at the Castle will be permitted where it is brought forward in line with an approved Masterplan setting out the development principles and broad areas for development, indicating the type of uses proposed and a Conservation Plan for the historic asset. The Masterplan will provide the framework within which planning applications will be determined and will:

- a) Identify the physical and economic context;
- b) Identify the development principles to underpin future development proposals;
- c) Identify the significance of heritage assets within the vicinity, setting out how these will be sustained and enhanced;
- d) Identify the location of developments, demonstrating how proposals will relate to the heritage assets and how they will enhance the positive contribution the asset makes to sustainable communities and to the character and distinctiveness of the area; and

- e) Identify how the proposals support the vitality and viability of the local economy.

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The NPPF paragraph 190 states that the wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring should be taken into account and paragraph 197 recognises the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.

The NPPF paragraph 199 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Substantial harm or loss to heritage assets of the highest significance, including Grade 1 Listed Buildings and Grade 1 Registered Parks and Gardens, should be wholly exceptional.

Local Plan Policy HE1 reiterates the principles of the Framework, stating that development will not be permitted if it would lead to substantial harm or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or where certain criteria set out within the policy have been demonstrated. Where 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 proposals, including securing the optimum viable use.

While Policy HE4 'Protecting Historic Parks and Gardens' was deleted from the New Local Plan by the Inspector, some of the text has been carried forward in the explanatory text of Policy HE2 (Conservation Areas) and states that Historic Parks and Gardens are an important cultural, historical and environmental asset

within the District and the Council wishes to ensure they are protected, maintained and restored.

### Warwick Castle Masterplan

A final draft of the Warwick Castle Masterplan was submitted to the Council in December 2019 following a public consultation undertaken by the Castle and addressing comments from officers. Section 7 of the Masterplan which relates to the concept and guiding principles of development was endorsed by the Executive Committee in February 2020.

Within the Masterplan, the overflow car park is identified as No.17 on the illustrative map which highlights the various upcoming proposals and projects, ranging across heritage restoration works, visitor experiences and operational infrastructure. The car park falls within the latter category.

The Masterplan explains that Warwick Castle has two permanent car parks; The Stables/Castle Lane and Stratford Road. During busy days it also uses land at Leafield Farm for overflow parking; a use which has been ongoing for a number of years. One of the benefits of the overflow includes the fact it draws cars into the Castle before it reaches the town centre where car parking can be at a premium, many roads are busy and some car parks are remote from the Castle. There are no other locations within the Castle grounds where such overflow parking could be placed.

With regard to Leafield, the Masterplan states that the Castle is exploring the opportunity to place the car parking further westwards, down to the woodland block along the edge of the field.

### The Heritage Assets

Warwick Castle Park is a heritage asset of the highest significance. It is the only historic park and garden within Warwick District to be included on the national Register of Parks and Gardens (RPG) at Grade I. The Park provides the immediate setting for the Grade I Listed (and part Scheduled Ancient Monument) Warwick Castle. Both the Castle and the Park are located within the Warwick Conservation Area.

The setting of the Castle includes the River Avon to the east, south and south-west, and the long ranging views of the wider landscape from the Mound which, historically, offered the greatest vantage point across the land as part of the Castle's defensive system. Beyond the immediate Park and Garden the countryside is visible in the distance. The setting contributes greatly to the significance of the Castle by illustrating the commanding position of the fortification over the surrounding town and countryside.

The site of both the existing and the proposed car parks is located approximately 600m southwest of Warwick Castle where it forms part of its wider parkland setting, illustrating the 18th century naturalistic redesign of the landscape by 'Capability' Brown, albeit this is limited as many designed features no longer survive. There is no inter-visibility between the site and the Castle due to dense intervening woodland and mature specimen trees, particularly at Foxes Study.

This includes panoramic views from Guy's Tower and the Castle Mound, where the site is completely obscured.

This part of the park is divided laterally following the route of a historic carriage drive that linked to the 19th century avenue of deodar trees through Foxes Study, leading to the pleasure grounds to the north. The historic footpath is no longer publicly accessible but is evident today as a track with some modern tree/hedge planting along it.

The area benefits from strong screening from woodland blocks. Foxes Study screens the site from Warwick Castle and other listed buildings within the pleasure grounds to the north, as well as the wider Warwick Conservation Area. The Lilacs provides screening from residential properties to the west. The application site falls within one of the key views identified in the RPG listing description: the view of the Castle from Spiers Lodge (Grade II\*) as painted by Sandby in 1776. It is screened from the remaining views by dense woodland.

#### The impact on the Heritage Assets including mitigation

The proposal involves the removal of the existing overflow car park adjacent to the River Avon and its restoration back to pastureland. The car park is to be relocated within the site with buffer zones of 30m to the north and west to protect existing woodland and landscaping which is adjacent to the site of the proposed car park. 1.2m high agricultural fencing with rabbit wire is proposed to protect the buffer zones and the clump of oaks.

The new parking area will be accessed via an existing entry point in the north eastern corner of the site which presently provides access via an internal estate road from Stratford Road (to the existing car parking area). The proposal does not include any external lighting.

The new entrance to the car park would result in the loss of 1no. poor quality horse chestnut, while the oak nearby would be retained. In response to comments received from Historic England, the Conservation and Landscape Officers and Gardens Trust, amended plans have been submitted to show the following improvements to the proposal:

- The original proposed hedgerow along the eastern boundary has been removed;
- Parkland trees have been re-introduced across the application site;
- The historic Carriage Drive would be revealed by mowing; wildflower planting is no longer proposed along here;
- The buffer to the north has been increased from 10m to 30m;
- The buffer to the west has been increased from 20m to 30m;
- The gravel track previously shown as running along the north of the site and connecting into five reinforced grass tracks has been removed and relocated to the north east corner of the site; and
- An area of scrub to the south has been replaced with improved grassland planting.

The submitted supporting information from the applicant considers the potential effects of the proposal on the significance of the following assets: Warwick Conservation Area, Warwick Castle Registered Park & Garden (Grade I), Warwick



Castle (Grade I and Scheduled Monument), Hunting Lodge (Grade II\*) and Leaffield Bridge (Grade II). Through a comprehensive assessment within the submitted Heritage Statement as well as revised plans which were submitted during the course of the application, the applicants conclude that the proposed car park is acceptable from a heritage perspective and compliant with the relevant statutory and policy considerations.

The proposals have also been comprehensively considered by Historic England, the Conservation Officer, the Gardens Trust and the County Landscape Officer. The original comments from these consultees prompted the submission of amended plans which resulted in the aforementioned changes. All concur that the revisions now represent an improvement on the original proposal and would further reduce heritage impacts. Historic England recommend some further amendments to the tree planting plan including changes to species as well as the addition of parkland tree planting in the eastern field as part of the remediation of the existing car park.

Similarly, the Landscape Officer agrees that the amendments would reduce the visual and landscape impacts and has no objection to the remaining amendments. Their only recommendation, like Historic England, is for further enhancements to be made to the character of the eastern field through additional mitigation.

It is important to note that the eastern field does not form part of the red line application site boundary and to that end additional planting cannot be secured in this area as part of any forthcoming permission for the relocated car park. It is however intended that in the event planning permission is forthcoming, this would be subject to the completion of a Unilateral Undertaking which requires the use of the existing car park to cease and the restoration of the land back to pastureland in accordance with a scheme approved by the Local Planning Authority. A draft Unilateral Undertaking has been submitted with this application and would form part of any forthcoming planning permission. This would be the mechanism through which any additional planting and mitigation would be secured and it is through this that additional parkland tree planting can be secured as requested by Historic England, County Landscape and the Gardens Trust.

The Conservation Officer raised no objection to the development; in response to the amended plans it has been noted that the introduction of parkland trees is welcomed and the original carriage drive becoming more legible with mowing and the omission of wildflower planting in turn results in the impact overall being considered neutral with heritage enhancements as set out above which, consequently enhances the significance of the Registered Park and Garden.

Despite the maintained objection from the Garden Trust, it is noted that in light of the amendments which have been made their response acknowledges the positive improvements which would result. The more fundamental matter for the Garden Trust is founded in the amount of car parking spaces, which, in their view, cannot constitute a heritage gain. Notwithstanding that, officers have had regard to the fact that this is not a proposal for a new car park, but the relocation of one already established (with a net gain of 100 spaces). Officers are of the opinion, combined with the amendments that have been made, that the heritage and landscape improvements that result from its relocation, away

from the river and further out of key views and vantage points, outweighs any harm which the Garden Trust has identified with respect to the type and amount of planting proposed. It is reiterated also that the purpose of the Unilateral Undertaking is to secure the additional parkland tree planting required along with any other appropriate mitigation which is deemed necessary in the eastern area (the existing car park site).

As a final point, the contribution that the Castle makes to the economy of the town and region is significant and the benefits of the development in terms of supporting the Castle in its function as a major tourist attraction for the town (and region) is a material consideration in the assessment of the scheme. The NPPF paragraph 190 states that the wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring should be taken into account and paragraph 197 recognises the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.

#### Conclusion on principle of development / heritage assets and impact

Overall, officers are satisfied that the development is acceptable in principle having regard to Policy CT6 and the Masterplan. In addition, the impacts on the relevant heritage assets, taking into account all the consultation responses with specific regard to the heritage and historic landscape matters as well as the amendments that have been made to address initial concerns are considered neutral, with heritage enhancements resulting from certain aspects of the proposals as set out above. Since it has not been concluded that 'less than substantial harm' would be caused, no further examination of the public benefits in this particular instance is deemed to be required.

Notwithstanding the above, any forthcoming permission would still be subject to a Unilateral Undertaking to secure not only the restoration of the eastern field once its use as the existing car park ceases, but also to ensure that appropriate mitigation including parkland tree planting is undertaken in the adjacent site to the application site edged red.

#### **Access and highway safety**

The proposed car park is expected to operate in the same way as the existing car park. Access arrangements would continue to be via the Stratford Road entrance thus drawing traffic into the Castle before it reaches the town centre. No new access is proposed. Use of the car park would also be as per existing arrangements which are limited to Castle opening hours.

The site area of the proposed car park (3.26ha) is marginally bigger than the existing car park (3.14ha). However, the proposed landscape plan shows how part of the application site is reserved for landscaping and biodiversity improvements and accordingly cannot provide operational car parking. The submitted Transport Statement therefore confirms that the proposed car park would likely deliver around 100 additional spaces compared to the existing car park, but concludes that this would not in itself result in any additional vehicular

trips to the site. Consequently, it is not anticipated that there would be any demonstrable impact on the public highway network.

The County Highway Authority, having undertaken a full assessment of the application, has stated that the relocation of the parking facilities within the Castle grounds, would have no impact on the surrounding highway network. Accordingly, no objection is raised to the proposals and no conditions are recommended either.

Officers are satisfied that the development would not be detrimental to matters of highway safety and therefore consider it accords with Policy TR1 of the Local Plan.

### **Impact on residential amenity**

Although the relocated car park would be brought closer to the properties in Foxes Way and Leyfields Crescent to the west, the distances between the rear gardens of Foxes Way and the frontages of Leyfields Crescent would still be within approximately 90 and 120 metres. It should be borne in mind that the vast majority of that distance separation consists of dense woodland and tree planting which, as part of this application, is proposed to be further extended and improved to provide biodiversity enhancements.

To that end, there would be very limited, if any, visibility from the properties to the car parking area and in regard to noise, the Environmental Health Officer, who initially requested some further information, has considered the proposals and raised no objection, based on the fact that the proposed relocation would have a nominal impact on the overall/absolute sound levels experienced at nearby residential dwellings.

Concerns have been raised by residents about the potential use of lighting all through the year. The original submission stated that no external lighting was proposed, however, further information has been submitted in this regard which considers the potential impact of temporary lighting systems used in the winter months. This information identified that the use of 3no. mobile lighting units positioned in the centre of the proposed car park site would not have an adverse noise impact on nearby residents. The Environmental Health Officer has advised that since the location of the temporary lighting units could vary depending on requirements, a plant noise condition should be imposed on any forthcoming permission, in the event that temporary lighting systems are required to be located nearer to the residential site boundaries.

Having regard to the above, officers are satisfied that the proposal is acceptable in this regard and accords with Policy BE3 of the Local Plan.

### **Other matters**

#### Drainage

The existing overflow car park is within Flood Zones 2 and 3. The proposed relocation would take it out of the flood plain, and move it entirely into Flood Zone 1, where there is low risk of flooding. A Flood Risk Assessment (FRA) was submitted with the application and the LLFA, having considered the supporting

information, confirmed they had no objection to the development, subject to a condition requiring the development to be carried out in accordance with the details set out within the submitted FRA.

The development is considered acceptable in this regard and therefore accords with Policy FW1 of the Local Plan.

### Ecology

The proposals include extended buffers to the north and west of the relocated car park site, in which improvement works are proposed that would lead to biodiversity net gain and ecological enhancements. Survey work was undertaken initially with several supporting documents accompanying the application and further work has been carried out at the request of the County Ecology Officer, the results of which have fed into the revised landscaping proposals that also respond to the comments from County Landscape and Historic England.

The County Ecologist has noted that any changes made in response to the heritage and landscape comments have been reflected in the Biodiversity Impact Assessment (BIA) and the change of habitat proposals to the south of the site are satisfactory. The increased woodland buffer depth to the north and west sides to 30m now is also welcomed as this will offer better protection and reduce the likelihood of negative impacts such as the potential disturbance to woodland and associated species. The original objection from the County Ecologist has since been removed and a condition recommended in the event that permission is forthcoming.

The recommended lighting condition cannot be attached because lighting is not proposed with this application. In the event temporary light columns are used through the winter months these would not require planning permission and as such details cannot be required by condition. In the event permanent lighting was proposed in the car park this would be subject to a planning application in its own right.

Notwithstanding the submitted LEMP, it is recommended that a further one be required by condition which would specifically provide details and specification of fencing around the woodland and condition checks for fencing prior to vegetation establishment.

As a final point, it is stated by the County Ecologist that a net gain has been demonstrated for this application which is satisfactory from the biodiversity offset point of view in its own right as a standalone planning application. However, a very early discussion around combining the biodiversity offset of this application with the pending application for the proposed hotel (W/22/0140) is referenced in the comments, suggesting that the two applications should be linked together. It is officers' opinion that the two applications are distinct and separate matters, each to be treated on its merits. Ultimately, each proposal should be ensuring there is a biodiversity net gain and since it has been confirmed that the car park application does just that, the development is acceptable. The hotel application will be considered in the same way but has no bearing on this application. It is officers' opinion that there is no need for these two applications to be linked together.

Having regard to the above, the proposals are considered to accord with Policies NE2 and NE3 of the Local Plan.

## **SUMMARY / CONCLUSION**

The proposed development is considered to be acceptable in principle in accordance with Policy CT6 of the Local Plan as well as the relevant heritage policies, both nationally and locally. The relocation of the car park is not considered to harm the significance of the relevant heritage assets; the impact is considered neutral with the heritage enhancements that have been identified.

There would be no detriment to residential amenity, highway safety, ecology or drainage and overall, for these reasons, it is recommended that planning permission be approved, subject to the conditions listed below as well as the completion of a Unilateral Undertaking which will require the cessation of the use of the existing overflow car park and its restoration back to pastureland, including the planting of parkland trees.

## **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 353/21 20, and specification contained therein, submitted on 06 December 2021, and approved drawings 353/21 25 Rev.A, 353/21 32 Rev.A and 353/21 34 Rev.A and specification contained therein, submitted on 01 March 2022 and approved drawings 353/21 23 Rev.B and 353/21 26 Rev.B, and specification contained therein, submitted on 16 March 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 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 District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species including badgers, bats and breeding birds and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with the National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policies NE2 and NE3 of the Warwick District Local Plan 2011-2029.

- 4 The development hereby permitted shall not commence until a further Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details and specification of fencing around the woodland and condition checks for fencing prior to vegetation establishment. Such approved measures shall thereafter be implemented in full.  
**REASON:** To ensure protection of species and no net loss in accordance with ODPM Circular 2005/06 and the NPPF.
- 5 Any hard landscaping shown on the approved plans, including boundary treatment, paving and footpaths, shall be completed in all respects within the 6 months of the first use of the development hereby permitted. Any soft landscaping shown on the approved plans, including any tree(s) and shrub(s), shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of the same size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 6 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, or 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 any plant or equipment 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.
- 7 The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) by Simpson | tws dated 02/12/2021. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. **Reason:** To prevent the increased risk of flooding in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.
-