

Planning Committee

Wednesday 12 December 2018

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Wednesday 12 December 2018 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Day (Vice Chairman)

Councillor Ashford

Councillor Mrs Hill

Councillor Barrott

Councillor Morris

Councillor Boad

Councillor Mrs Stevens

Councillor Mrs Bunker

Councillor Weed

Councillor Heath

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be displayed on screen for information.

Agenda

Part A – General

1. Apologies and Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Site Visits**

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

Part B – Planning Applications

To consider the following reports from the Head of Development Services:

4. **W/18/0522 – Gateway South, Land to the South and West of Coventry Airport and Middlemarch Industrial Estate, Coventry** (Pages 1 to 53)
****This is a major application****
5. **W/18/1021 – 52 High Street, Kenilworth** (Pages 1 to 15)
6. **W/18/1760 – 19 Pickard Street, Warwick** (Pages 1 to 8)
7. **W/18/1942 – Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4414/Whitley Roundabout** (Pages 1 to 24)
****This is a major application****
8. **W/18/1971 – 2 Greatheed Road, Royal Leamington Spa** (Pages 1 to 6)
9. **W/18/1998 – The Bungalow, Honiley Road, Beausale** (Pages 1 to 8)
10. **W/18/2099 – Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4414/Whitley Roundabout** (Pages 1 to 26)
****This is a major application****

Part C – Other matters

None.

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.
- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day

before the day of the meeting and you will be advised of the procedure.

- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the Case Officer named in the reports.

You can e-mail the members of the Planning Committee at

planningcommittee@warwickdc.gov.uk

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The agenda is available in large print on request,
prior to the meeting, by telephoning (01926)
456114

Planning Committee: 12 December 2018

Item Number: 4

Application No: [W 18 / 0522](#)

Town/Parish Council: Baginton

Case Officer: Rob Young

01926 456535 rob.young@warwickdc.gov.uk

Registration Date: 07/03/18

Expiry Date: 06/06/18

**Gateway South, Land to the South and West of Coventry Airport and
Middlemarch Industrial Estate, Coventry**

Outline application including details of access for the comprehensive redevelopment of land South of Coventry Airport, comprising demolition of existing structures and the erection of new buildings to accommodate general industrial uses (Use Class B2) and storage and distribution (Use Class B8), ground modelling works including the construction of landscaped bunds, construction of new roads, footpaths and cycle routes, associated parking, servicing, infrastructure and landscaping and the creation of open space in a Community Park. Provision of replacement sports ground including the creation of new sports pitches, erection of training lights, a club house (including bar, changing facilities, showers and communal area) and ancillary buildings. FOR
Coventry & Warwickshire Development Partnership LLP

This application is being presented to Committee due to the number of objections and an objection from the Parish Councils having been 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 resolve that they are minded to GRANT planning permission, subject to conditions and completion of a satisfactory Section 106 agreement, and subject to referral to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009.

Procedural note on Secretary of State referral

The above Direction requires applications to be referred to the Secretary of State where the proposals comprise inappropriate development within the Green Belt and where the development would have a "significant" impact on openness. Whilst the area of the development plots has been removed from the Green Belt by the new Local Plan, the parts of the Local Plan allocation that are intended to accommodate the community park and the associated landscaped bunds and access road were retained within the Green Belt. The purpose of this distinction was to ensure that maximum control was retained over future development in these parts of the site.

As assessed later on in this report, in line with the Inspector's conclusions in relation to the original Gateway Inquiry, the proposed landscaped bunds would

impact on openness. However, as these would be heavily landscaped features with extensive tree planting, it is not considered that they would have a "significant" impact on openness. In this regard it is noted that neither the Secretary of State nor the Inspector reached a specific conclusion on the extent of impact of the bunds on openness in relation to the original Gateway scheme.

Notwithstanding the above, the Ministry of Housing, Communities and Local Government have indicated that they have received a request to call in the application. As a result, in the event that the Council are minded to approve the application, they have requested that the Council hold off issuing a decision until the Secretary of State has considered whether the application should be called in.

In the circumstances, it is considered that it would be safer to refer the application under the Consultation Direction, given that this will not change the timescales for a decision now that the Secretary of State has requested time to consider call in. This will guard against any potential legal challenge in relation to the interpretation of the Consultation Direction.

It is important to make clear here that a referral under the Consultation Direction is purely a pragmatic decision based on the above facts; it is not an acceptance that the development would have a "significant" impact on the openness of the Green Belt.

DETAILS OF THE DEVELOPMENT

The application proposes a logistics and manufacturing park comprising the following development:

- demolition of existing structures;
- remediation of the land at the former sewage treatment works and former landfill sites;
- ground modelling including the creation of development plateaux and landscape bunds to provide visual and acoustic screening;
- up to 343,740 sq m of general industrial (Use Class B2) and storage and distribution (Use Class B8) floorspace (B2 floorspace will be up to 104,000 sq m);
- a new link road from the A45;
- provision of replacement sports pitches; and
- strategic landscaping including the creation of a publicly accessible community park, sustainable drainage features, wildlife areas, visitor car parking and site office.

The maximum height of buildings would be between 18.5 and 21.5m.

The new access road would link up with the new junction on the A45 that was approved as part of the Whitley South development. This would follow an alignment to the rear of Oak Close in Baginton Village and alongside the western end of the airport runway. It would incorporate part of the existing alignment of Bubbenhall Road south of Baginton Village.

The proposed community park would wrap around the south, west and east of the development as well as incorporating land to the east of Middlemarch Business Park. This covers an area of over 85ha. It also links up with the area of community park that was approved to the north of the site as part of the Whitley South development.

The community park will include landscaped bunds to reduce the visual impact of the development when viewed from adjacent villages and surrounding countryside. These would range in height between 5m and 21m above existing ground levels.

Supporting information

The application is accompanied by extensive supporting documentation. This includes an Environmental Statement, various reports dealing with transportation matters, a Planning Statement and a Design & Access Statement.

The applicant's Planning Statement cites the following key benefits of the development:

- economic benefits, including the creation of a significant number of jobs and a significant boost to the gross value added (GVA) of the sub-regional economy.
- provision of an 85 hectare community park;
- creation of approximately 9,500 metres of new public footways / cycleways (currently there are no public rights of way or access to the site);
- planting of around 12 hectares (120,000 sq m) of new native woodland and trees;
- creation of over 5,000 metres of new native hedgerows; and
- other biodiversity enhancements including the establishment of grassland, pasture and meadow habitats.

Section 106 agreement

The applicant has agreed to enter into a Section 106 agreement to secure the following obligations:

1. Preparation and implementation of an Employment & Training Strategy to link local people and businesses within 12 miles of the application site with employment, training and contract opportunities arising from the development during both its construction and operational phases.
2. Preparation and implementation of a site wide Construction Ecological Protection & Mitigation Strategy.
3. Preparation and implementation of a Biodiversity Offsetting Scheme, including alternative provision for a payment of £672,574 to secure the necessary biodiversity enhancements.
4. A further payment of £140,000 (over and above the sum agreed under (3)) to secure additional biodiversity benefits, as a direct response to the comments made by Warwickshire Wildlife Trust.
5. To invite Warwickshire Wildlife Trust to assist in delivering the developer's responsibilities in relation to biodiversity offsetting in the community park, and to this end to invite the Trust specifically to participate in the design, creation

and long-term management of the park (if such services are agreed in future they will be provided on a commercial basis).

6. Preparation and implementation of a Site Wide Infrastructure Design, Management and Maintenance Strategy for the community park and other common areas within the site which shall provide for public access to the community park in perpetuity.
7. Payment of a contribution of £500,000 for the delivery of pedestrian and cycle improvements on routes between the site and local population centres, e.g. Kenilworth, Stoneleigh and / or North Leamington.
8. Preparation and implementation of a Framework Travel Plan and individual Workplace Travel Plans, to include the appointment of a Travel Plan Co-ordinator to oversee the preparation of these Plans.
9. Payment of a contribution of £5,000 per annum for monitoring and liaison in relation to the Travel Plans.
10. Provide a public transport service between the site and Coventry City Centre (contribution of £800,000).
11. Provide Direct Works Service Buses between the site and more distant population centres (contribution of £1,100,000).
12. Preparation and implementation of an Access Restriction Strategy for roads into Baginton and local rural roads utilising ANPR cameras and implementation of that strategy thereafter for the lifetime of the development.
13. Payment of a contribution of £1,000 per annum for monitoring and liaison in relation to the Access Restriction Strategy.
14. Payment of a contribution of £250,000 to be held should the Access Restriction Review Panel need to implement measures to address issues that are beyond the scope of the ANPR system or the Travel Plan.
15. Payment of a contribution of £270,000 to be held should measures such as Traffic Regulation Orders or a Residents' Parking Zone be required to address any amenity or safety issues that may arise (including the cost of associated monitoring and enforcement).
16. Payment of a contribution of £5,000 per bus shelter for future maintenance of the shelters.
17. Payment of a contribution of £929,479.59 to fund measures to mitigate the air quality impacts of the development.
18. To use reasonable endeavours to assist the occupiers of businesses currently located within the application site to relocate (although not providing any financial assistance or subsidy).
19. Payment of a contribution to fund the costs of the local planning authority in monitoring the Agreement.

It is considered that the above Section 106 provisions meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, i.e. they are considered necessary to make the development acceptable in planning terms, they are directly related to the development, and they are fairly and reasonably related to the development in scale and kind. Furthermore the pooling restrictions in Regulation 123 are not breached.

THE SITE AND ITS LOCATION

The application relates to a substantial site that comprises land to the south, east and west of Coventry Airport. The site extends to an area of 183 hectares.

The bulk of the site is to the south of the airport. This area contains a range of existing land uses including sewage sludge lagoons, a vehicle test track and a small industrial estate. The remainder of this area is in agricultural use, including the farmhouse and barns of Rock Farm. Other parts of this area have also formerly been used for tipping, as sewage drying beds and as a scrapyard.

The site also takes in a narrow strip of land along the western edge of the airport, including some land currently within the airport boundary. This part of the site adjoins the approved Whitley South Technology Park to the north (currently under construction). To the west this part of the site adjoins the boundary of dwellings in Oak Close in Baginton. This part of the site also takes in part of Bubbenhall Road.

The remainder of the site comprises agricultural land to the east of Middlemarch Business Park, between the edge of the Business Park and the River Avon.

Bubbenhall Road forms the south-western boundary of the site. There are a small number of dwellings and rural businesses on the opposite side of this road. Agricultural land adjoins the southern boundary of the site and this includes another dwelling and equine business on Bubbenhall Road.

The airport and Middlemarch Business Park adjoin the northern boundary of the site, while the River Avon forms the eastern boundary. There is agricultural land beyond the eastern boundary (including a Scheduled Ancient Monument known as "Pit alignment north of Bubbenhall Village").

The village of Bubbenhall is to the south-east of the site, approximately 310m from the site boundary at the closest point (i.e. as measured from rear wall of the Grade II Listed Church of St. Giles). This part of Bubbenhall is designated as a Conservation Area and the boundary of the Conservation Area is 255m from the boundary of the application site.

The village of Baginton adjoins the western boundary of the site, with this part of the site sharing a boundary with the dwellings on the eastern edge of the village. The Baginton Conservation Area is close to the western boundary of the site, although the dwellings that adjoin the site are not within the Conservation Area.

The whole of the site is allocated as a sub-regional employment site in the Local Plan. The part of the site to the south of the airport and Middlemarch Business Park has been taken out of the Green Belt as part of this allocation. The remaining parts of the site remain within the Green Belt (i.e. the land to the east of Middlemarch Business Park, the strip of land to the west of the airport and the strip of land along Bubbenhall Road).

There are a large number of trees and hedgerows on different parts of the application site. The most significant of these in terms of individual specimens are a number of oak trees, a horse chestnut and a false acacia. There are also a number of significant groups of trees.

The majority of the site is situated within Flood Zone 1, although some of the land alongside the River Avon towards the eastern and southern edges of the site are situated within Flood Zones 2 and 3.

There are also a number of Local Wildlife Sites (LWS) and potential Local Wildlife Sites (pLWS) within the site (Siskin Drive Bird Sanctuary LWS, River Avon LWS and Rock Farm Sludge Lagoons pLWS).

PLANNING HISTORY

The original Coventry and Warwickshire Gateway planning application was submitted in September 2012 (Ref. W12/1143). This included the current application site and further land to the north of the airport. Those proposals were for a technology park to the north of the airport (later resubmitted as "Whitley South") and for a logistics park to the south (the area subject of the current planning application).

Planning Committee resolved to granted planning permission in June 2013, subject to referral to the Secretary of State. The Secretary of State decided to call the application in due to the Green Belt designation of the site and a public inquiry was held in 2014. Planning permission was subsequently refused by the Secretary of State in 2015.

The Secretary of State's decision letter concluded as follows:

"The Secretary of State concludes that a strong case has been made for the development. He considers that it would deliver economic benefits and environmental gains, and that it would be reasonably consistent with sustainable development objectives. However, he also considers that it would give rise to substantial Green Belt harm, to which he attaches very serious weight. He considers that the Employment Land Study addresses some of the shortcomings in the supporting evidence identified by the Inspector, but fails to establish that the need for the proposal is such that a decision on the future of the Green Belt at the application site should be taken now, ahead of a wider consideration of Green Belt boundaries through the Local Plan."

Following on from this, the Whitley South application was submitted for the land north of the airport (Ref. W16/0239). Planning permission was granted for this scheme in 2017. This comprises a technology park, largely for Jaguar Land Rover, together with other supporting uses. This scheme also includes a new junction on the A45 to provide access into the site.

Reserved matters for the first phase of the Whitley South development (for Jaguar Land Rover) were approved in January 2018 (Ref. W17/1729). A further significant phase was granted reserved matters consent in November 2018 (the UK Battery Industrialisation Facility – W18/1717).

On adoption of the new Local Plan in September 2017 the current application site, together with the adjacent Whitley South site, was allocated as a sub-regional employment site. The area envisaged for built development as part of this allocation was removed from the Green Belt at the same time.

RELEVANT POLICIES

- i) National Planning Policy Framework
 - DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)

- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS8 - Employment Land (Warwick District Local Plan 2011-2029)
- DS9 - Employment Sites to be Allocated (Warwick District Local Plan 2011-2029)
- DS16 - Sub-Regional Employment Site (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR5 - Safe Operation of Aerodromes (Warwick Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS5 - Directing Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)

- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Baginton & Bubbenhall Neighbourhood Plan 2018-2029

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: Object on the following grounds:

- a large number of significant concerns raised during the previous Gateway Inquiry have not been addressed in this resubmission;
- there have been significant changes since the previous scheme was submitted in 2012 that impact on the acceptability of the development, including the adoption of the Baginton and Bubbenhall Neighbourhood Plan, the impact of HS2, further planning permissions for development on the airport site, permissions on Middlemarch, permissions along Rowley Road and the Local Plan allocations for residential development at Kings Hill and Rosswood Farm;
- in terms of light, noise, traffic and air pollution, the cumulative effects alongside these other developments would represent a significant and tangible loss of amenity to Baginton;
- the impacts have not been adequately assessed;
- concerns about the access proposals relying on the new junctions and access points associated with the Whitley South development, which in turn relies on public and European funding;
- the reliance on Bubbenhall Road as the only access is a significant concern – this leaves Baginton open to traffic passing through the village to access the site 24 hours a day;
- increased traffic and associated disruption, noise and pollution in the village of Baginton;
- access and egress to the site should be self-contained and independent of existing village roads;
- contrary to many policies in the Local Plan and the Neighbourhood Plan;
- it's not clear if Bubbenhall Road would need to be lowered for airport safety considerations;
- use of ANPR to restrict access to public roads is unproven, unworkable and may be unlawful;
- ANPR will not control site visitors, community park visitors, deliveries, coaches etc, and employees could claim exemptions;
- concerns about noise, light and pollution impacts from 24 hour loading and unloading, which have not been properly investigated;
- concerns about the amount of visitors that the community park will bring through Baginton;
- the development would remove mature trees and bushes that are themselves mitigation for other previous developments;
- loss of ancient hedgerows and consequent impacts on wildlife habitat that cannot be mitigated;

- adverse impacts on Brandon Marsh SSSI and Stonebridge Meadow Nature Reserve;
- the highways infrastructure that 'feeds' the site encroaches on floodplains;
- the management of contamination on the site needs further investigation;
- the remediation proposals are unproven;
- loss of veteran trees, contrary to the NPPF; and
- the community park should explore the possibility of retaining mature and ancient trees, rather than clearing all land and replanting.

Bubbenhall Parish Council: Object on the following grounds:

- loss of openness for the Green Belt;
- the application does nothing to address the question of scale or of harm to the openness of the Green Belt, both of which were accorded serious weight by the Secretary of State in rejecting the previous Gateway proposals;
- the site is rural and does not occupy an urban edge location as suggested by the applicant;
- landscape harm from introducing massive high bay warehouses into agricultural land;
- the bund will be a substantial feature that will intrude into the openness of the Green Belt;
- loss of veteran trees, contrary to the NPPF;
- the contamination reclamation methodology is unproven;
- contrary to the Joint Neighbourhood Plan for Baginton and Bubbenhall;
- the job creation figures are inaccurate and over-inflated;
- the revised ONS projections of population growth have not been considered, in particular the projection downward of the population of Coventry;
- the community park is not a public benefit because there are already other public parks nearby (Brandon Marsh and Ryton Pools);
- the community park will not be an attractive environment, being a narrow strip of land bordering an industrial site, Toll Bar Island and the A45;
- concerns about funding for the laying out and future maintenance of the park;
- the ANPR system will not be effective and consequently there will be increased traffic on surrounding rural roads and through surrounding villages;
- the new junctions on Bubbenhall Road and Coventry Road are unsatisfactory and will add to the congestion on narrow country lanes and ancient bridges;
- increased traffic congestion on nearby strategic routes;
- a logistics park of this size should not rely on a single point of access;
- the access proposals are unsatisfactory and lack sufficient detail;
- noise pollution;
- air pollution; and
- light pollution.

Stoneleigh and Ashow Parish Council: Object on the following grounds:

- the location is not suitable for a logistics park;
- the economic case for the proposal has not been demonstrated and much of the information is 5 years out of date;
- the proposed logistics sheds are completely out of scale for the area and will be seen from miles around, including from Stoneleigh Parish;

- the development interrupts the old geographical relationship between Bubbenhall and Baginton;
- a logistics park with a single access is nonsensical;
- the development could generate flood risk in the surrounding area;
- 60' high bunds destroy the openness of the Green Belt;
- mixing cement with soil to build bunds that then lock in the contamination is an environmental disaster;
- increased traffic in all surrounding parishes and on the A46 – including significant cumulative impacts with HS2, Whitley South and Kings Hill;
- noise and pollution for Baginton from the large number of heavy trucks;
- ANPR is a discredited method and will not solve the problem;
- other options for the Bubbenhall Road need to be explored;
- the consultation exercise was invalid because the road layout has not been finalised;
- the community park will be a long thin cul-de-sac that is only accessible from the south and so not a significant benefit;
- no long term management or financial plan for the community park; and
- support the objections of Baginton and Bubbenhall Parish Councils.

Public response: Objections have been received from 133 residents, raising the following concerns:

- the previous Gateway scheme was rejected by the Secretary of State;
- the proposals ignore the concerns that were raised by the Secretary of State and the Inspector in rejecting the previous scheme – these were not solely related to the Green Belt designation of the site;
- many things have changed since the previous scheme was considered, including increased environmental standards, further empty warehouses and increased awareness of pollution from vehicles;
- increased traffic;
- increased traffic on rural roads;
- damage to local roads;
- the ANPR system will not be effective and consequently there will be increased traffic on surrounding rural roads and through surrounding villages;
- construction traffic;
- the highway alterations will restrict access between the villages of Bubbenhall and Baginton;
- alternative means of access through Middlemarch Business Park should have been considered;
- the access road should be taken through the airport, leaving Bubbenhall Road as it is;
- the pair of T junctions on the access road will be a source of traffic safety issues and will restrict the flow of traffic;
- harm to the historic character and setting of the villages of Baginton and Bubbenhall;
- disturbance of contaminated land will pollute the environment;
- the remediation proposals will not be effective;
- air pollution;
- harmful impact on air quality from increased traffic;
- light pollution;
- noise pollution;

- the access will pass close to the rear of the dwellings in Oak Close, causing noise and disturbance that the proposed bund will not mitigate;
- there is a gap in the bund between the Oak Public House and the entrance to the development area where no mitigation is provided for residents in this part of the village, including the Local Plan residential allocation at Rosswood Farm;
- it is not clear whether Bubbenhall Road will be sunk or not;
- noise and dust during construction;
- exhaust fumes from the access road in close proximity to dwellings;
- harm to the rural landscape;
- the scale of the development is not appropriate for this location;
- the development will dominate the skyline for miles around;
- loss of trees;
- loss of veteran trees, which is contrary to the NPPF;
- ecological harm, including harm to SSSI's;
- harmful knock-on effects for Ryton Pools Country Park;
- loss of biodiversity;
- loss of scarce habitats;
- loss of prime agricultural land;
- harm to the Green Belt;
- the bunds are inappropriate development within the Green Belt;
- the access road is within the Green Belt;
- urban sprawl;
- brownfield land in cities should be developed before greenfield sites such as this;
- there is no need for the development;
- many nearby industrial and warehouse premises are vacant;
- alternative sites have not been considered;
- other sites such as Ryton remain undeveloped and available to meet any need;
- the development will not create as many jobs as is claimed;
- harm to local businesses;
- there is a conflict of interest with the developer being former Chairman of the Local Enterprise Partnership who support the scheme;
- concerns about the way in which the previous Gateway scheme was considered by Planning Committee and the change in Committee Members and Chairman between the two Committee meetings;
- the development should address the existing issues with a single point of access into Middlemarch Business Park;
- contrary to the policies of the Local Plan;
- contrary to the policies of the Neighbourhood Plan;
- when Anson House on the airport is demolished there will be no protection between the airport and nearby housing;
- the requirement for the car park at the rear of Oak Close is unclear;
- cumulative impacts in terms of light, noise, traffic and air pollution with other developments in the area including HS2, Kings Hill, Whitley South, mineral extraction sites and other permissions for commercial development at the airport and Middlemarch Business Park;
- the community park is not a public benefit because it's too steep, narrow, inaccessible, contaminated and situated within the floodplain;
- the community park is not wanted by villagers;

- there are no plans in place for the future maintenance of the community park, including no proposals for future funding;
- the development will spread next to a floodplain;
- increased flood risk;
- harm to heritage assets, including the Lunt Fort, Bagot's Castle and nearby conservation areas;
- loss of the Electric Railway Museum;
- the pools within the community park would be incompatible with airport safeguarding requirements regarding minimising the risk of bird strike;
- lack of meaningful consultation;
- the new site for Trinity Guild Rugby Club is remote and inaccessible other than by car; and
- the supporting reports submitted with the application are inaccurate and contradictory.

Cllr Wright & Cllr Redford: Object on the following grounds:

- the estimated gross value added for the development is misleading and inaccurate;
- the business case for the development is less than compelling;
- the travel to work data that has been used is 7 years out of date and does not account for any developments in the area that have taken place since then, or which are planned in future (e.g. the 4,000 houses at Kings Hill);
- increased traffic on rural roads in surrounding villages and resulting disruption, traffic pollution and noise;
- this area has been swamped with significant developments, including Kings Hill and HS2, but there has been insufficient consideration regarding the combined impacts that this will all have in terms of traffic management, road and access infrastructure, timings of developments, pollution and levels of disruption;
- 24 hours vehicle movements associated with the logistics park will add noise pollution, congestion and disruption to the local area;
- the development should be structured to take away traffic from the village and surrounding areas;
- operational conditions must be considered to control vehicle movements within the site, particularly at night;
- there is little consideration of effective and unobtrusive screening elements to combat noise, light and air-based pollution;
- concerns about air quality impacts; and
- concerns about light pollution.

Trinity Guild Rugby Football Club: Support the principle of relocating to the Gateway South site, but object to the application on the following grounds:

- uncertainty about whether the proposed site is comparable with their existing site in terms of size, clubhouse facilities, car parking and access arrangements;
- the application does not detail the leasehold arrangement;
- there are no sufficiently detailed plans for the new facility;
- it is not clear if the clubhouse will be large enough to meet RFU specifications;

- there has been no assessment of the site and so there is no guarantee it will support playing pitches;
- there is no provision for floodlighting;
- there is no timeline for the relocation;
- it is unclear whether the temporary access track will be suitable for sustained use;
- it is unclear whether the temporary access track will conflict with the requirements of the airport and other businesses; and
- concerns about the lack of detail concerning controls to ensure that the relocation actually takes place.

Parcelforce: Advise that Rock Farm Lane is used as an emergency access to the Parcelforce site. It is essential that Royal Mail have unimpeded access via Rock Farm Lane at all times both during construction and throughout the lifetime of the Gateway South development.

Midland Air Museum: Object due to concerns about increased traffic along Rowley Road and the potential hazard to staff and visitors entering and exiting the museum.

CPRE: Object on the following grounds:

- the Local Plan allocation does not mean that any form of B2/B8 development is acceptable on this site;
- the application misrepresents the outcome of the Gateway Inquiry by giving the impression that the only unresolved issue was releasing Green Belt land outside the development plan process;
- the application omits key issues that the Secretary of State raised that are not dependent on Green Belt status, including the adverse effect on landscape and visual amenity, harm to the character of local rural roads and the fact that the scale of the development has not been fully justified in quantitative terms;
- the land where the bunds are to be constructed remains within the Green Belt and these bunds represent inappropriate development that would greatly reduce the openness of the Green Belt;
- the application has not established any very special circumstances which might justify this inappropriate development in the Green Belt;
- the scale of development proposed is still not justified in quantitative terms;
- a logistics park of this scale should have 2 means of access;
- the noise assessment is inadequate and must be revised;
- detailed concerns about the method and assumptions used to assess noise impacts;
- shortcomings in the traffic data used to consider noise impacts;
- current indications are that the proposed development would cause noise nuisance to residents even with the proposed mitigation;
- key consultation responses remain outstanding;
- the application does not meet the requirements of the Environmental Impact Assessment Regulations;
- the reclamation proposals are unproven and there is uncertainty over whether the necessary environmental permits would be approved;
- the bunds are impractical;
- the proposals would have an unacceptable impact on irreplaceable habitats;

- loss of veteran trees, contrary to the NPPF;
- the information provided by the applicant contains many contradictions;
- light pollution;
- harm to the rural landscape; and
- inadequacies in the air quality assessment.

Warwickshire Wildlife Trust: Object to the principle that there will be the loss of veteran trees, locally designated sites, and the displacement of protected species. However, if the local planning authority believes that the benefit of the development outweighs the nature conservation interest of the current land, then we consider that subject to the secured favourable long term management of the community park for biodiversity and the outlined commitment to achieving biodiversity net gain, the mitigation and compensation proposed is suitable and we would be able to withdraw our objection to this aspect. Advise of discussions with the applicant over being involved in the design and management of the community park.

Woodland Trust: Object to the loss of two veteran oak trees. This contravenes para. 175 of the NPPF. Ancient and veteran trees are a vital and treasured part of our natural and cultural landscape. They harbour a unique array of wildlife and echo the lives of past generations of people in ways that no other part of our natural world is able.

Coventry City Council: No objection.

Coventry Airport: No objection, subject to conditions.

Highways England: Recommend that planning permission is not granted for a further period of up to 3 months, to allow time for the applicant to clarify the position with regards to the flows used in the design process, and to ensure the latest information, including the accepted WCHAR and RSA, is formally submitted in support of the application.

Sport England: No objection, subject to conditions.

Historic England: The proposals would impact on nearby designated heritage assets, including the "Pit Alignment North of Bubbenhall Village" Scheduled Ancient Monument and the Baginton and Bubbenhall Conservation Areas. There is an impact that is greater than negligible that needs to be mitigated. This falls under the category of less than substantial harm in the NPPF. The Council should ensure that they are convinced by the case that is being made that the scheme has been successfully mitigated by the various elements of landscaping, as well as the design, scale and positioning of the new structures to cause minimal impact within the overall landscape.

Natural England: No comments. Refer to standing advice.

Warwickshire Police: No objection. Make recommendations regarding crime prevention measures to be incorporated into the detailed design of the development.

Severn Trent Water: No objection, subject to a condition to require drainage details.

WCC Highways: No objection, subject to conditions and Section 106 obligations.

WCC Flood Risk Management: No objection, subject to conditions.

WCC Landscape: Make comments about the potential landscape impacts of the bund and the indicative landscaping details that have been provided. Advise that the landscape mitigation proposals need more detail and further work to ensure that the bunds are not unduly prominent within the surrounding landscape.

WCC Ecology: Initially raised various concerns about the ecological assessments and mitigation proposals. Following discussions with the applicant and the submission of amended details, advise that the calculation of biodiversity loss and mitigation principles have now been agreed. Also advise that matters relating to habitats and protected species have been discussed and suitable approaches have been agreed. Various conditions and Section 106 requirements are set out to control these matters.

WCC Fire & Rescue: No objection, subject to a condition to require details of fire hydrants and water supplies.

WCC Archaeology: No objection, subject to a condition to require a programme of archaeological works.

WDC Green Space Team: More open space than the minimum is being provided. Provisions for the management of this would be expected to be included within a Section 106 agreement.

WDC Tree Officer: Objects to the loss of the 2 veteran trees. The assessment submitted by the applicant downplays the impact of this loss.

WDC Environmental Health: No objection, subject to conditions in relation to air quality, contamination, noise, lighting and construction management.

ASSESSMENT

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

- the principle of development;
- economic impact;
- Green Belt policy and the impact on the openness of the Green Belt;
- landscape impact, including loss of trees;
- car parking and highway safety;
- the impact on the living conditions of nearby dwellings;
- noise;
- light pollution;
- air quality;
- contamination;
- drainage and flood risk;

- ecological impact;
- heritage impacts;
- relationship with Coventry Airport;
- relocation of Trinity Guild Rugby Football Club;
- provision for public open space; and
- loss of agricultural land.

Principle of development

The proposals are in accordance with the allocation of the site as a sub-regional employment site in the Local Plan (Policy DS16). The proposed use for B2 and B8 purposes is in accordance with this allocation. The proposals also accord with all other requirements of Policy DS16.

The Local Plan allocation was made to meet a sub-regional need for a major employment site. The proposed development is considered to meet that need. This is a key element of the Development Strategy of the Local Plan. The proposals also accord with the various plans and strategies of the Coventry and Warwickshire Local Enterprise Partnership, including the Strategic Economic Plan.

For the above reasons, it has been concluded that the proposals are acceptable in principle. The following sections of this report will now go on to consider the detailed impact of the proposals.

Economic impact

The proposals will generate significant economic benefits. This includes the creation of significant employment opportunities within the completed development, as well as supporting jobs in the construction industry during the construction phase. The applicant estimates that the development will make a net additional contribution of £75m GVA per annum to the Warwick area economy. When estimating the effects across a wider study area including Warwick, Coventry, Rugby and Nuneaton and Bedworth, the net change is projected to be an overall increase of some £300m.

It should be noted here that these are the applicant's own figures. However, with the development meeting an important sub-regional need that has been identified by the LEP and the Local Plan, it is clear that the economic benefits of the scheme would be significant.

Green Belt policy and the impact on the openness of the Green Belt

The part of the site where built development is proposed is situated outside of the Green Belt. However, the parts of the site where the bunds and access road are proposed to be constructed have been retained within the Green Belt.

In setting the new Green Belt boundary in the Local Plan it was decided that this would be the best approach because it affords the maximum future protection for the areas where built development was not envisaged. However, it was assumed that the access road and bunds proposed as part of the Gateway scheme would

comply with Green Belt policy. As a result, there was no need for these parts of the allocation to be removed from the Green Belt.

The Inspector's assessment of the Green Belt issue in relation to the Gateway Inquiry has largely been superseded by the subsequent change to the Green Belt boundary. However, the Inspector did comment specifically on the bunds, noting that these would "constitute an intrusion on openness, and therefore in my view involve further elements of inappropriate development" (para. 849). However, he does not express an opinion on the level of impact that the bunds would have on openness in his following "Green Belt Openness" section (paras. 853-856).

For the purposes of Green Belt policy, it is necessary to reach a judgement on whether the access road and bunds would constitute inappropriate development within the Green Belt. Paragraph 146 of the NPPF identifies certain forms of development that are not inappropriate in Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. This includes engineering operations and local transport infrastructure which can demonstrate a requirement for a Green Belt location.

The proposed access road is considered to meet this definition and consequently does not constitute inappropriate development within the Green Belt. This is because the road would be a ground level feature only and would be closely related to existing and approved infrastructure and built development, including the buildings and transport infrastructure in the approved Whitley South scheme, existing highways infrastructure and the existing buildings and extensive hard surfacing on the adjacent part of the airport. Furthermore the road only impacts on a narrow strip of Green Belt alongside the airport and consequently would not have a significant impact on the open countryside. As such it would preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt. Finally, a Green Belt location is required for this infrastructure because it is necessary to connect with the existing road network in this location and to serve an allocated employment site.

Turning to the proposed bunds, these are very similar to those that were included in the original Gateway scheme. As such, it has to be concluded that these constitute an "intrusion on openness" as determined by the Inspector. As a result, for the purposes of applying paragraph 146 of the NPPF, this element of the proposals represents inappropriate development within the Green Belt.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 143). Paragraph 144 goes on to state that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations". This is reflected in Policy DS18 Warwick District Local Plan.

In considering the level of impact that the bunds would have on openness, it is noted that they would involve significant re-grading of land (increasing this by between 5m and 21m above existing ground levels). However, the bunds would

be soft landscaped and would blend into the surrounding landscape. Therefore it has been concluded that the impact on openness would not be significant.

In view of this, it is necessary to establish whether very special circumstances exist that are sufficient to outweigh the conflict with Green Belt policy and the limited harm that the bunds would cause to the openness of the Green Belt. In this regard there are a number of considerations that contribute to a very special circumstances case, including:

- the significant economic benefits of the scheme (as set out in the “Economic Impact” section above);
- meeting an identified need for a sub-regional employment site;
- the proposed development is in line with that envisaged by the Local Plan allocation, which includes screening bunds within the areas retained in the Green Belt;
- the benefits to the wider rural landscape from screening the allocated employment site and the existing Middlemarch Business Park development (see the “Landscape” section below);
- remediation of a substantial area of contaminated land;
- biodiversity enhancements (see the “Ecological impact” section below); and
- the provision of the community park.

It is considered that this amounts to very special circumstances sufficient to outweigh the limited Green Belt harm that has been identified in relation to the bunds.

The proposed built development on land now removed from the Green Belt would be largely screened from the wider Green Belt by the proposed bunds. As a result, it is considered that this element of the scheme would have an acceptable impact on the Green Belt.

For these reasons it has been concluded that the proposals accord with Green Belt policy in the NPPF and the Local Plan.

Landscape impact, including loss of trees

In terms of assessing the local landscape, the Warwickshire Landscape Guidelines SPG divides the County into different landscape types. The site crosses the boundary between two of these landscape types, Plateau Farmlands and Plateau Fringe.

The Landscape Guidelines define the overall character and quality of the Plateau Farmlands landscape type as a simple, often heavily wooded, farmed landscape, typically confined to low plateau summits, and characterised by sandy soils and remnant healthy vegetation. The Guidelines identify the following characteristic features of this landscape type: a gently rolling topography of low glacial plateaus; an ‘empty’ landscape of former waste with few roads and little settlement; a regular geometric field pattern defined by closely cropped hawthorn hedges; many mature hedgerow oaks; large blocks of ancient woodland; a historic land use pattern reflected in the local abundance of ‘Heath’ names; and remnant healthy vegetation in woodlands and roadside verges.

The Landscape Guidelines define the overall character and quality of the Plateau Fringe landscape type as a rather variable, often large scale farmed landscape with a varied undulating topography and characterised by a nucleated settlement pattern of small, often shrunken villages. The Guidelines identify the following characteristic features of this landscape type: an undulating topography of low rounded hills and narrow meandering river valleys; large arable fields, often with a poorly defined field pattern; pockets of permanent pasture and smaller hedged fields, usually associated with more steeply sloping ground; a nucleated settlement pattern typically comprising loose clusters of dwellings; and isolated brick-built farmsteads.

The Guidelines specify a range of general development guidelines together with some more specific development guidelines for particular landscape types. For the Plateau Farmlands this includes the following: conserve the historic pattern of large hedged fields, with priority to strengthening and restoring primary hedge lines; conserve the wooded character of mature hedgerow and roadside oaks; restocking of plantation ancient woodlands should favour native broadleaved species preferably through natural vegetation; and new woodland planting should be carefully designed to conserve and strengthen the open, empty character of the landscape.

For the Plateau Fringe the development guidelines include the following: conserve and restore all primary hedgelines and manage them more positively as landscape features; conserve the visual and ecological continuity of river corridors; encourage the development of wide field margins along streamlines and woodland edges; enhance the continuity and wooded character of river and stream corridors; conserve and enhance tree cover within and around rural settlements; and enhance tree cover through large-scale woodland planting on rising ground.

Clearly the removal of a significant number of trees and hedgerows and the construction of large scale buildings within the main development area would have a significant impact on the landscape character of this particular part of the application site and on the characteristic features for the Plateau Farmlands and Plateau Fringe Landscape Types that are evident in this part of the site. However, the principle of developing the site has already been established by the Local Plan allocation. This will inevitably lead to some degree of landscape harm, but the decision to allocate the site was on the basis that this was outweighed by the need for the proposed development and the benefits that it would bring.

The site is currently largely open, with the exception of some small groups of buildings and the large number of trees and shrubs that exist across the site. However, there has been significant previous development involving engineering operations and the deposition of waste affecting large parts of the proposed development zone. This includes the vehicle test track, sewage sludge lagoons (which have included significant ground remodelling), a former landfill site and a former scrapyards. The landscape quality of the site is also affected by the close proximity to the large-scale buildings of Middlesbrough Business Park and the airport. In this context, the parts of the site where built development is proposed are not of such landscape quality that would render the development unacceptable in principle, subject to the incorporation of suitable mitigation measures.

The area of the proposed development zone is situated on a plateau above the River Avon and this part of the site is therefore visible across some distance from the south and east, with the land falling away steeply on those edges of the site. However, the application proposes to construct a landscaped bund around the western, southern and eastern edges of the development zone. This would largely screen the development from the surrounding countryside (any views would be limited to the very highest parts of the units) and this would provide an added benefit of screening parts of the existing Middlemarch Business Park. A further bund is proposed between the access road and the dwellings in Oak Close.

The proposed bunds would be substantial features, being between 5m and 21m above existing ground levels, and this would change the character of the landscape. However, the bunds have been designed to incorporate varying heights, slope gradients and profiles which will help to give the appearance of natural features within the landscape. In the context of a local landscape that is characterised by varying ground levels, including some steeply sloping areas, it is considered that the bunds will be in keeping with the character of the landscape and will not appear out of place, particularly once the proposed landscaping has matured.

A condition is recommended to require the bunds to be completed prior to the occupation of any of the buildings within the logistics park. This will ensure that the bunds are completed and provide the expected screening in a timely manner. The proposed mitigation measures will also ensure that the development does not have an adverse cumulative landscape impact in combination with other proposed developments in the area (e.g. Kings Hill, HS2 and Stoneleigh Park).

A significant number of trees and hedgerows are proposed to be removed to make way for the development. The hedgerows that are to be removed are of variable quality and intactness and the majority of the trees to be removed are not of individual significance, although many have a degree of group value. In terms of individual trees, there is concern regarding a number of large trees that are earmarked for removal, including two veteran Oak trees. Options for retaining these trees were explored with the applicant during the assessment of the previous Gateway scheme. However, for the trees that are within the development plots retention is not possible because the likely layout of the plots and the proposed ground remodelling to create the development plateaus make this impractical.

The two veteran Oak trees (T9 and T38) are outside of the development plots but within the area of the proposed bund. With regard to T9, this would be towards the centre of the bund and in a location where the bund narrows due to the constraints imposed by the retention of Rock Spinney immediately to the east. Consequently there would have to be a break in the bund to enable this tree to be retained and this is not considered desirable because this would create a break in the screening of the development from the east.

With regard to T38, this is the most significant of the trees that are earmarked for removal. There is more space in this part of the site which may enable the bund to be redesigned around the tree, but this will not be known until the detailed design stage due to uncertainties over the impact of any amended bund design on the adjacent floodplain. Therefore the most appropriate solution to this issue is

considered to be a condition to require the submission of a scheme to examine options for the retention of this tree prior to work commencing on site. This will enable the Council to assess whether the detailed design of the scheme would allow for the tree to be retained, or whether the detailed designs clearly show that this is not possible or appropriate.

In assessing whether the removal of these trees and hedgerows is appropriate, regard must be had to the compensatory planting that is proposed. It is proposed that 12 hectares of new native woodland and trees will be planted, together with over 5km of new native hedgerows. This is considered to amount to a significant package of compensatory planting which, considered together with the significant economic, environmental and recreational benefits of the proposals, is considered to outweigh the loss of trees and hedgerows.

The hedgerows that are to be removed are not "important hedgerows" under the Hedgerow Regulations, i.e. they do not fall within any of the relevant archaeological, historical or ecological criteria set out in the regulations. Therefore the removal of these hedgerows would not require consent under the Hedgerow Regulations.

With regard to landscaping within the development zone it is considered that the landscape masterplan that has been submitted includes sufficient detail for this outline application, with landscaping being a reserved matter.

For the above reasons it has been concluded that the proposals meet the requirements of Local Plan Policy NE4 and Neighbourhood Plan Policies G1, G5 and BAG6. Landscape issues relating to light pollution are dealt with in the Light Pollution section of this report.

Car parking and highway safety

The site is proposed to be accessed via a link road from the Whitley South development north of the airport. The link road would join up to the proposed roundabout on Rowley Road that has been approved as part of the Whitley South scheme. From there the road infrastructure approved for the Whitley South site will connect through to a new junction on the A45.

From the Rowley Road roundabout, the link road will run around the western edge of the airport, incorporating some land that currently falls within the airport boundary. In this location the road will run to the rear of the houses in Oak Close in Baginton. Then the new link road will take in a section of the existing Bubbenhall Road alongside the end of the airport runway. The existing highway layout is proposed to be changed in this location, with the current junction between Coventry Road, Bubbenhall Road and Stoneleigh Road replaced by three priority junctions.

Two priority junctions and a short linking road are to be created in place of the existing Coventry Road / Bubbenhall Road / Stoneleigh Road junction. A further priority junction would be created approximately 430m to the south of this, between the proposed link road and Bubbenhall Road.

The Highway Authority initially raised some concerns with the developer about the layout and design of the proposed highway works. The developer has submitted information in response and this demonstrates that the various issues can be resolved in the detailed design of the highway works. This can be controlled by condition.

The applicant has undertaken traffic modelling to assess the impact that the development will have on the highway network. This has been reviewed by the Highway Authority to verify that the methodology used, including trip generation rates and traffic distribution, is robust.

A Travel Plan was submitted with the application and this includes a package of measures to promote sustainable transport to the site. This includes the provision of a Travel Plan Co-ordinator, showers and changing facilities, new public bus services, bus stop infrastructure; real-time bus service information, direct works buses, measures to promote cycling, a financial contribution for off-site footway / cycle improvements, and measures to restrict car parking and to prioritise parking for staff making sustainable transport choices.

Turning to the issue of car parking, the Council's Parking Standards would require a total of 5,077 spaces (assuming the full 30% B2 allocation is taken up). If a lower proportion of the floorspace were to be developed for B2 purposes, and a higher proportion for B8 purposes, then the policy requirement would reduce (the standards require approximately 38% fewer spaces for B8 uses). The Parking Standards would require 4,297 spaces for an entirely B8 development.

The development proposes a total of 3,500 parking spaces, comprising 3,000 for staff and 500 for visitors and servicing. This is some way below the number required by the Parking Standards. However, the applicant considers that this is appropriate given that the proposed package of sustainable transport measures will limit the number of employees that will drive to work. Furthermore, this represents an increase on the parking provision that was accepted by the Secretary of State in relation to the previous Gateway scheme. That scheme only provided 2,500 spaces for staff on the logistics park (500 fewer than the 3,000 staff spaces now proposed). Taking this into account, the Highway Authority advise that the car parking provision is acceptable.

The Highway Authority have recommended that various measures are included in the Section 106 agreement in case any issues with off-site parking were to arise. This includes a contribution to cover the costs of Traffic Regulation Orders or potentially a Residents' Parking Zone. The applicant has agreed to these requirements. The money would only be called upon by the Highway Authority if required.

The application proposes to restrict development traffic travelling on surrounding rural roads and in Baginton village through the use of ANPR cameras and a system of "barred routes". This would use employee registration plate details to restrict the level of additional traffic able to use these routes to 5% of the total generated by the development. This would mean that for the majority of employees on the development, these would be "barred routes". Only those employees who have been accepted onto a "white list" would be permitted to use these routes to travel to/from the site.

The principles of this system are the same as those that have previously been accepted by the District Council in relation to the Whitley South development. This was also accepted by the Secretary of State in relation to the previous Gateway scheme. As a result, the Highway Authority have found this element of the proposals to be acceptable. In addition, this time the applicant has agreed to underwrite the system with a bond of £250,000 that the Highway Authority can call upon should the developer / management company fail to operate the system adequately, or further measures are agreed by the Access Restriction Review Panel to be necessary.

A condition is recommended to require the provision of an emergency access between the proposed logistics park and Siskin Parkway West in Middlemarch Business Park. The condition requires this to work both ways, allowing emergency access from Middlemarch Business Park through the proposed logistics park, and from the proposed logistics park through Middlemarch Business Park. This would also address the issues raised by Parcelforce in relation to emergency access.

The Midland Air Museum have raised concerns about traffic on Rowley Road. This matter was dealt with by a condition on the Whitley South planning permission requiring access to the museum to be maintained at all times during and after the proposed highway works. As the Whitley South permission covers the majority of the highway works on and around Rowley Road, it is not considered necessary to repeat this condition in relation to Gateway South. Matters relating to highway safety and increased traffic from the completed development have already been covered above and apply equally to any impacts on the vehicular access to the museum.

Objectors consider that the access arrangements should be independent of Bubbenhall Road, and have suggested that it would be better if the link road were realigned to run through airport land alongside the existing road. However, the Council must determine the application that has been put forward by the developer. It has been concluded that the access proposals that have been put forward would not create harmful impacts that would justify a refusal of planning permission and consequently there are no grounds for requiring the developer to consider alternatives.

In conclusion on the issue of highways impact, the Highway Authority advise that the traffic modelling work demonstrates that the development would not be detrimental to the safe and efficient operation of the local highway network. Furthermore, with the implementation of the measures outlined in the Travel Plan (including the Travel Monitoring Strategy, Parking Management Strategy, Accessibility Report and ANPR system, the Highway Authority considers the impacts of the development to be acceptable.

With regard to the impact on the strategic highway network (i.e. the A45 and A46), this is a matter for Highways England as the strategic highway authority. Highways England have requested further information and this has been provided by the applicant. They have advised that they will respond prior to the Planning Committee meeting and it is anticipated that the further information that has been submitted has addressed any outstanding issues. An update on this matter will be provided in the addendum report to Committee.

Subject to receiving a favourable response from Highways England, it is concluded that the proposals are acceptable in terms of car parking and highway safety. Therefore the proposals are considered to accord with Local Plan Policies TR1, TR2 and TR3 and Neighbourhood Plan Policies G4 and G5.

Impact on the living conditions of nearby dwellings

The siting of the proposed buildings is a reserved matter. Nevertheless, the parameters plan shows that the buildings would be no closer than 120m from the nearest dwellings on Bubbenhall Road and would be separated from those dwellings by the proposed bund. In view of this separation distance and the screening that would be provided by the bund, it has been concluded that the proposed buildings would not cause unacceptable loss of light, loss of outlook or loss of privacy for the nearest dwellings.

The part of the proposed bund that would be closest to the dwellings in Bubbenhall Road would be approximately 7m above the existing ground level and the highest point of the bund would be approximately 70m from the nearest of those dwellings. Where the bund rises up to approximately 20m in height, the centre of the bund would be 140m from the nearest dwelling on Bubbenhall Road. Therefore it has been concluded that the bund would not cause unacceptable loss of light or loss of outlook for neighbours.

With regard to the proposed bund to the rear of the dwellings in Oak Close, the part of this that would be closest to the dwellings would be approximately 5.5m above the existing ground level. The highest point of the bund would be approximately 30m from the rear boundary of the nearest of those dwellings. Therefore it has been concluded that this bund would not cause unacceptable loss of light or loss of outlook for neighbours.

When assessing the impact of the proposed buildings and bunds in terms of potential loss of light, regard has been had to the "25 degree line" indicator in the Building Research Establishment's publication "Site Layout Planning for Daylight and Sunlight". None of the buildings or bunds proposed would infringe this indicator in relation to windows in neighbouring dwellings.

For the above reasons it has been concluded that the proposals would be in accordance with Local Plan Policy BE3 and Neighbourhood Plan Policy G5. Issues relating to light pollution, noise and air quality are assessed under separate headings below.

Noise

The Environmental Statement includes an assessment of the likely significant effects of the development in terms of noise and vibration. This includes a baseline noise survey at 4 positions representative of existing noise sensitive receptors. The assessment considers the impact of construction noise, road traffic noise and industrial and operational noise. Following queries from Environmental Health and objectors, further noise information has been submitted to support the Environmental Statement.

With regard to construction noise, it is proposed that a condition is imposed to require the submission and approval of a Construction Environment Management Plan. This will ensure that suitable controls are in place to protect nearby dwellings and other sensitive receptors from unacceptable noise and disturbance as a result of construction activities.

In assessing the impact of the operational phase of the development, it is important to note that the proposed bunds to the east, south and west of the development plots and alongside the proposed access road would serve as a barrier to noise from the development.

The noise assessment has used IMMI software and the methodology in "Calculation of Road Traffic Noise, 1988" to predict traffic noise levels. The results show that traffic noise would have a negligible impact on the majority of sensitive receptors, with a minor negative or moderate negative impact on some others.

Where a minor or moderate negative impact is identified, in all but one location the Environmental Statement notes that allowing for the sound reduction provided by a façade with a partially open window, the internal noise levels would be below a level where an adverse effect would be expected. Even at that one location, the resulting internal noise level would be only just above that which is regarded as the "lowest observed adverse effect" level. As a result, the Environmental Statement concludes that no further mitigation is required.

The Environmental Statement also points out that these negative impacts are a consequence of the phasing for the proposed Gateway South development and the adjacent approved Whitley South development. When both developments are considered together, the negative road traffic impacts predicted are far fewer in number. In this scenario, a negative impact is predicted at just one receiver location. As mentioned previously, once allowance is made for the sound attenuation of a façade with a partially open window, the resulting noise level within the property indicates that no adverse effect would be expected.

Night time traffic noise is considered separately in the Environmental Statement. The conclusion is that night time traffic noise would have a negligible impact at all receiver locations.

With regard to operational noise from the proposed buildings and service yards, the Environmental Statement predicts this using IMMI noise modelling software and the propagation calculation methodology in ISO 9613-2:1996. The Environmental Statement concludes that the predicted noise levels at the most affected residential properties will be within the guideline desirable noise limits set out in BS 8233:2014. Furthermore, the predicted worst case maximum noise levels from individual events (e.g. HGVs reversing into docking bays) would be within the limits set by the World Health Organisation.

Environmental Health have also recommended that a condition is imposed to require details of noise mitigation measures to be submitted and approved for each unit on the development. This will protect nearby residents from operational noise. Furthermore, the proposed bunds will also serve to protect residents from traffic and operational noise.

With regard to plant noise, as this is an outline application, the exact location, orientation and specification of any plant is not known at this stage. As a result it is not possible to assess the precise impact that any plant may have. Therefore it is considered that a condition should be imposed to deal with this issue, specifying a maximum noise level for any plant.

Objectors have raised a number of queries in relation to the noise assessment. Further information has been submitted by the applicant's noise consultant on a number of issues. In consultation with Environmental Health, it has been concluded that the Environmental Statement, together with the supplementary information that has been submitted, is sufficient to demonstrate that the proposals would not have an unacceptable impact in terms of noise, subject to appropriate conditions.

Therefore it is considered that the proposals would not give rise to unacceptable noise pollution for any dwellings or other sensitive receptors and that the proposals would be in accordance with Local Plan Policy NE5 and Neighbourhood Plan Policy G5 in relation to noise.

Light pollution

It is not possible to undertake a full assessment of the lighting impact of the proposals until the detailed design stage because the layout of the development and the design and position of the lighting will not be known until then. Therefore the decision that must be made in relation to the current proposals is whether the development is likely to result in light pollution that would have an unacceptable impact on sensitive receptors or the rural character of the area, if the development incorporates appropriate lighting design and mitigation.

The Environmental Statement outlines general lighting principles that are intended to minimise light pollution. The ES concludes that through careful design and mitigation the worst case lighting effects of the development have been assessed as moderate adverse for those properties on Bubbenhall Road and Coventry Road very close to the site perimeter. All other lighting effects are assessed as minor adverse, negligible or none.

There is already a degree of light pollution in the surrounding area caused by Middlemarch Business Park, the airport, the surrounding road lighting, the built up parts of Coventry and, to a lesser extent, Baginton. Furthermore, the proposed bund around the site would largely screen any direct views of the lighting from the countryside and the nearest dwellings. In terms of views from the surrounding countryside, the proposed development would be viewed in association with the existing light pollution caused by the Middlemarch development. The proposals may have some beneficial effect in terms of providing a degree of screening of the existing lighting on Middlemarch Business Park from the countryside to the west, south and south-east. Improvements in technology and careful design of the lighting should ensure that the proposed development has less impact in lighting terms than the existing Middlemarch development.

Notwithstanding all of the above points, the introduction of lighting onto a currently largely unlit site would inevitably result in a degree of light pollution that would have some adverse impact on the rural character of the area. However,

subject to appropriate lighting design and mitigation, it is considered that this harm can be reduced to an acceptable level.

WDC Environmental Health have not objected to the proposals on the grounds of light pollution, subject to the imposition of a condition to require details of lighting to be submitted for approval. Therefore, for the reasons stated above, subject to appropriate lighting design and mitigation, it has been concluded that the proposals would not cause unacceptable light pollution and would not harm sensitive receptors. There would be some adverse impact on the rural character of the area but this can be mitigated. Therefore the proposals would be in accordance with Local Plan Policy NE5 and Neighbourhood Plan Policy G5 in terms of the impact of lighting.

Air quality

The Environmental Statement includes an Air Quality Assessment. This has been supplemented by addendum reports in response to queries that were raised by objectors. The Assessment considers the impacts of the construction and operational phases of the development on air quality. The main potential impacts during the construction phase would be from construction activities and from construction traffic. The main potential impact during the operational phase would be from traffic generated by the development.

The Air Quality Assessment concludes that the proposals would have an acceptable impact on air quality. The construction phase of the development could give rise to emissions of dust. However, by adopting appropriate mitigation measures to reduce any such emissions, there should be no significant effects caused. These mitigation measures are proposed to be secured by a Construction Management Plan and a condition is recommended accordingly.

With regard to emissions caused by traffic associated with the development, the Assessment concludes that the proposals will meet all of the necessary air quality standards and objectives. In addition, a condition is recommended to require the approval and implementation of a Low Emissions Strategy, which should further mitigate the impact of emissions from traffic. Furthermore, the proposed Section 106 agreement provides for a contribution of £929,479.59 for further air quality mitigation. This all accords with the requirements of the Council's Low Emission Strategy Guidance.

Environmental Health have accepted the findings of the Air Quality Assessment and have no objection to the scheme. Therefore it has been concluded that the development would not give rise to unacceptable air pollution and that the proposals would be in accordance with Local Plan Policies NE5 and TR2 and Neighbourhood Plan Policy G5 in relation to air quality.

Contamination

The application site includes significant areas of contaminated land, including sewage treatment works, landfill sites, refuse tips and industrial operations. The site is situated in an area that is highly vulnerable to contamination as the area is underlain by principal and secondary aquifers and is situated adjacent to a river.

The Environmental Statement includes a preliminary assessment of contamination that exists across the site and includes outline remediation proposals. This is based on limited ground investigation data and therefore further investigation is required before a detailed remediation scheme can be developed.

The outline remediation strategy set out in the Environmental Statement is based on the recovery and stabilisation of contaminated materials, including landfill materials and relic sewage. Recovered materials will be treated to render them suitable for re-use within the wider development, e.g. to construct the landscaped bunds. Materials which cannot be rendered suitable for re-use and which pose a hazard to controlled waters, human health and the environment, will be removed from the site to a suitably licenced facility. However, the actual remediation method that is employed will be a matter for approval under the conditions of any planning permission and the Environmental Agency's separate regulatory / environmental permitting regime.

Environmental Health and the Environment Agency are satisfied that sufficient information has been submitted to demonstrate that the proposals are acceptable from a contaminated land perspective, subject to conditions to require further site investigation and the submission of detailed remediation proposals. Subject to these conditions, it has been concluded that the proposals would not cause harm to sensitive receptors (e.g. controlled waters or human health) and therefore it is considered that the proposals meet the requirements of Local Plan Policy NE5 and Neighbourhood Plan Policy G5 in relation to land contamination.

Drainage and flood risk

The parts of the site where development is proposed are situated within Flood Zone 1 (land at lowest risk of flooding). This includes the development plots and the proposed landscaped bund. The parts of the site that are situated within Flood Zones 2 and 3 will remain undeveloped as part of the proposed community park. There has been no objection from WCC Flood Risk Management or the Environment Agency. Therefore the proposals are considered to be acceptable from a flood risk point of view.

WCC Flood Risk Management and the Environment Agency have recommended various conditions to require drainage details. Subject to these conditions, the proposals are considered to be acceptable from a drainage point of view.

For these reasons it has been concluded that the proposals accord with Local Plan Policies FW1 and FW2 and Neighbourhood Plan Policy G3.

Ecological impact

In terms of ecological designations, the application site includes a number of Local Wildlife Sites (LWS) and potential Local Wildlife Sites (pLWS). This includes the Siskin Drive Bird Sanctuary LWS and the River Avon LWS (both within the proposed community park along the eastern side of the site), and the Rock Farm Sludge Lagoons pLWS (within the development area).

Species surveys have been carried out in relation to great crested newts, bats, badgers, breeding birds, wintering birds, reptiles, otters, water voles and

invertebrates. These surveys have identified two breeding populations of great crested newts; one within the site and one 90m west of the site boundary. A further population had been recorded in 2012 nearby the site within Middlemarch Business Park. However, access was not granted this time around to enable updating of data in this area.

The surveys also recorded bat activity on the site; bat roosts within two existing buildings; extensive badger activity and setts across the site; a significant number of species of breeding and wintering birds across the site; otters; a small population of grass snake; and a number of important species of invertebrate. A number of the species that have been recorded in these surveys are protected species.

The application site includes a range of existing habitats. A significant amount of this existing habitat would be retained within the proposed community park. However, a significant amount of the existing habitat elsewhere on the site would be lost as part of the proposed development. Whilst large areas of the habitat that will be lost are of negligible / low nature conservation value (e.g. amenity grassland and improved grassland), there would also be a loss of areas of moderate / high nature conservation value (e.g. reedbed, hedgerows, plantation woodland, mature trees, veteran trees, dense scrub, tall ruderal and open water). This would include the complete loss of the existing habitat within the Rock Farm pLWS and partial loss of habitat within the Siskin Drive Bird Sanctuary LWS.

The proposals would also impact on wider ecological networks, potentially adversely affecting the connectivity between the various ecological sites in the surrounding area. Construction activities may also potentially have an adverse effect on designated nature conservation sites adjacent to the application site. The extent of habitat loss that has been identified is likely to harm the species that have been recorded on site (including protected species).

The Brandon Marsh SSSI is 1.2km to the east of the application site. The Rock Farm pLWS is likely to have close associations with the SSSI, with the areas of reed bed and open water providing supplementary habitat for a number of important species within the SSSI. Furthermore, the displacement of the overwintering birds from the Rock Farm site could have adverse implications for the overwintering bird assemblage within the SSSI. Therefore the complete loss of the Rock Farm pLWS is likely to harm the Brandon Marsh SSSI.

For the above reasons, unless suitable mitigation is provided, the proposals would have an unacceptable ecological impact due to the loss of habitat and the harm that would be caused to the fauna recorded on site (including protected species). To address this, the applicant proposes to use biodiversity off-setting to mitigate the impacts of the proposed development. This approach has been agreed with the County Ecologist.

A Biodiversity Impact Assessment has been agreed between the applicant and the County Ecologist and this quantifies the loss of biodiversity as a result of the proposed development. Proposals for offsetting this loss will be secured by clauses in the Section 106 agreement. This will be in the form of habitat creation and enhancement on site, or in a suitable location off-site. Alternatively there is an

option for a payment of £672,574 to WCC Ecology to fund biodiversity enhancements.

WCC Ecology advise that this will amount to a net gain in biodiversity. In addition to this, the applicant has agreed to make a further contribution of £140,000 to secure additional biodiversity enhancements over and above that required to off-set the biodiversity loss from the site. It is intended that this will be undertaken in conjunction with Warwickshire Wildlife Trust, who will have a role in the design, creation and long-term management of the community park.

With regard to the protected species that have been identified within the parts of the site that are to be developed (bats, badgers, grass snakes and great crested newts), the application includes proposals for these to be relocated to new habitats within the community park. This would have to be carried out under a licence from Natural England. However, for the purposes of the current planning application, sufficient information has been submitted to demonstrate that the development would not harm any of these protected species.

Paragraph 175 of the NPPF and the various legislation relating to protected species require local planning authorities to consider whether the impact on protected species can be avoided (by locating the development on an alternative site), whether there are imperative reasons of overriding public interest that support the development and whether the mitigation proposals would maintain the favourable conservation status of the species. This indicates that the strategy for protected species that has been adopted in the proposed development (translocation, replacement habitat and displacement) should be a last resort. Therefore it is important to assess whether all options to avoid these impacts have been considered.

The proposals have been assessed against the three tests specified above. Firstly, it is noted that the protected species in question were recorded in parts of the site where it would not be possible to retain the habitats as part of the proposed scheme, particularly considering the extensive ground remodelling that is required. Even if this were possible, it would not be desirable for such retained habitats to be largely enclosed by the significant development that is proposed. Secondly, it is considered that the exceptional circumstances that justified the removal of this site from the Green Belt as part of the Local Plan process (i.e. the need for a sub-regional employment site and associated economic benefits and the lack of suitable alternative sites) also amount to imperative reasons of overriding public interest that justify relocating the protected species. Thirdly, it is considered that the relocation and biodiversity off-setting proposals meet the final test, i.e. maintaining the favourable conservation status of the species. Therefore it has been concluded that the impact of the proposal on protected species would be in accordance with the tests set out in the NPPF and the various legislation relating to protected species.

It should be noted that Paragraph 175 of the NPPF applies to biodiversity generally and not just to protected species. Therefore, the stipulation that compensation should be a last resort also applies to the general loss of habitat that would be caused by the proposed development, i.e. compensation should only be considered where the loss of habitat cannot be avoided (e.g. through locating on an alternative site with less harmful impacts) or adequately mitigated. Considering the location of the relevant habitats within the site and the need for significant ground remodelling, it is not considered practical or viable for these

habitats to be retained within the proposed development zone. Furthermore, for the same reasons as stated in relation to protected species, it is considered that there are significant benefits associated with the proposed development and there are no suitable alternative sites. Therefore it has been concluded that the proposals to compensate for the loss of habitat would be in accordance with Paragraph 175 of the NPPF. In reaching this conclusion it is important to note that a significant proportion of the compensation can be provided on site.

The loss of two veteran trees would result in a loss of biodiversity that is not possible to directly replace in the short or medium-term. Therefore this is an adverse effect of the development that it is not possible to directly mitigate. Paragraph 175 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats, such as veteran trees, should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Options for the retention of these trees were explored with the applicant as part of the previous Gateway scheme. However, this did not prove possible for one of the trees (T9) due to its position in the centre of the proposed bund. It may, however, be possible to retain the other veteran tree (T38). A condition is recommended to require options for the retention of this tree to be assessed at the detailed design stage - see the Landscape section of this report for further details.

The application does include significant new planting and habitat creation that would provide indirect mitigation for the loss of these trees. With the additional £140,000 agreed with Warwickshire Wildlife Trust this goes some way beyond what has been required by WCC Ecology to offset the overall biodiversity loss on site. Taking this into account, together with the other significant benefits of the proposals as outlined previously and the lack of alternative sites, it is considered that the benefits of the proposed development outweigh the ecological harm that would arise from the loss of these veteran trees. All this amounts to the "wholly exceptional reasons" required by Paragraph 175 of the NPPF.

The conclusions of the Inspector in relation to the previous Gateway scheme are relevant to the consideration of the ecological impacts of the current proposals, albeit this was under the ecological provisions of the previous NPPF. The Inspector considered that significant harm to biodiversity would potentially result from the development but this could be adequately mitigated and compensated for (other than the loss of three veteran trees). He went on to note that the avoidance of harm should be the first option. However, he concluded that, if very special circumstances [in relation to Green Belt policy] are accepted on the basis of need for the development and the absence of alternatives, this would establish that the harm could not be avoided and justify an approach based on mitigation and compensation (and also outweigh the effect on the veteran trees).

Whilst the provisions in relation to veteran trees have been made stricter in the revised NPPF (now requiring "wholly exceptional reasons" to justify the loss), the principles set out by the Inspector remain relevant, and in this regard it is considered that the justification cited by the Inspector, together with the additional ecological mitigation now proposed in the current scheme, represent the necessary "wholly exceptional reasons" for permitting the loss of these trees. In reaching this conclusion, regard has been had to the fact that the Council

accepted that there were exceptional circumstances that justified taking this site out of the Green Belt to allow for its development as a sub-regional employment site.

In conclusion on ecological matters, it is considered that the proposals to create and enhance on and off site habitats will ensure that there is no net loss of biodiversity as a result of the proposed development. In fact there is likely to be a net gain in biodiversity. The biodiversity offsetting proposals will also ensure that the development does not have an adverse effect on wider ecological networks or on the Brandon Marsh SSSI. It is proposed that a Construction Ecological Protection and Mitigation Strategy be secured through a Section 106 agreement. This will ensure that the habitats retained and created provide maximum biodiversity benefits in the long-term. This will also ensure that species currently using the site are adequately protected during development. Therefore, taking all of the above issues into account, it has been concluded that the proposals would have an acceptable ecological impact and that the proposals would be in accordance with Local Plan Policy Policies NE2 and NE3 and Neighbourhood Plan Policy G2 and G5.

Heritage impacts

Archaeology

The site lies within an area of significant archaeological potential, lying approximately 130m to the west of a Scheduled Monument (Pit Alignments North of Bubbenhall Village). A programme of archaeological trial trenching has previously been undertaken across parts of the site. This identified evidence of prehistoric, Roman and medieval activity.

The proposed development will impact upon the archaeological deposits which survive across the application site. However, the County Archaeologist has advised that this impact could be mitigated by the implementation of an appropriate programme of archaeological fieldwork, which can be secured by condition. Therefore, subject to this condition, it has been concluded that the proposals would have an acceptable impact on archaeological remains and in this respect the proposals would be in accordance with Local Plan Policy HE4.

Loss of traditional farmhouse and barns

The application includes the demolition of the Victorian farmhouse and traditional barns at Rock Farm. Whilst this is regrettable, these buildings are not worthy of being Listed and the site is not situated within a Conservation Area. Consequently there are no statutory or policy grounds to support the retention of these buildings. Furthermore, given the location of these buildings alongside the existing Parcellforce building and at the heart of the proposed logistics park, the retention of these buildings within the proposed scheme is not feasible.

Impact on the setting of the Baginton and Bubbenhall Conservation Areas

Historic England suggest that the proposals would cause less than substantial harm to the setting of the Baginton and Bubbenhall Conservation Areas. However, the Secretary State judged that the previous Gateway proposals would cause no

material harm to the Conservation Areas, the settings of which would be preserved. The current proposals would not be materially different in this regard, and therefore a similar conclusion has been reached in relation to the current scheme. In any case, Historic England's recommendation was not that planning permission should be refused, but rather that there was some harm that needed to be mitigated.

Looking at the precise impact, the application site is currently visible from the Bubbenhall Conservation Area across the Avon valley. However, the Conservation Area is 250m from the boundary of the proposed community park and the nearest of the proposed buildings would be significantly further away (550m). Furthermore, the proposed landscaped bund would largely screen the development from the Conservation Area, with only the highest parts of the units potentially being visible above the bund. Taking these factors into account, it has been concluded that the proposals would not harm the setting of the Bubbenhall Conservation Area.

The Baginton Conservation Area is a lot closer to the site. However, the part of the site closest to the Conservation Area is the access road. This would be separated from the Conservation Area by existing development, including the dwellings in Oak Close and Coventry Road. The proposed buildings would be a lot further away, on the opposite side of the airport. The access road would also be separated from the Conservation Area by the proposed bund. Furthermore, the part of the site that is closest to the Conservation Area currently forms part of Coventry Airport and includes various airport buildings and infrastructure. Therefore, considering the separation from the Conservation Area and the intervening development and screening, it has been concluded that the proposals would not harm the setting of the Baginton Conservation Area.

Impact on other heritage assets

In addition to the assets referred to above, the Environmental Statement identifies a number of other heritage assets in the surrounding area that could potentially be affected by the proposed development. The closest / most affected of these are the "Pit Alignment North of Bubbenhall Village" Scheduled Ancient Monument, the Listed Buildings at Bubbenhall Bridge and the Church of St. Giles. The Environmental Statement includes a detailed assessment of the impact of the development on each of these assets as well as all other heritage assets that might be affected by the proposed development. This concludes that the impact of the completed development on these other heritage assets would be negligible. Taking into account the comments of the Secretary of State in his decision on the previous Gateway scheme, these conclusions are accepted and it is considered that the proposals would have an acceptable impact on these other heritage assets. Whilst Historic England have suggested that there would be some harm to the nearby Scheduled Monument, this was not accepted by the Secretary of State.

For the above reasons it is considered that the proposals would be in accordance with Local Plan Policy HE1 and Neighbourhood Plan Policies BAG3 and BUB2.

Relationship with Coventry Airport

Coventry Airport have raised no objection to the application. Therefore the proposals are considered to be acceptable from an airport safeguarding point of view.

Coventry Airport have requested that various matters are controlled by condition, including the height of development, landscaping, lighting and use of cranes. However, these matters will either be addressed in subsequent reserved matters applications, or are not planning issues. Therefore it is more appropriate for these to be included as informative notes, rather than conditions.

The proposed development would not affect the enforcement of the existing conditions and Section 106 agreement that restrict the operation of the airport. These existing conditions and agreement impose restrictions on the use of certain buildings and land to the rear of Oak Close. Part of the land to the rear of Oak Close would cease to be part of the airport site following the construction of the access road to the proposed development. However, the Section 106 restrictions on this area would remain in place and unaffected by the proposed development.

Relocation of Trinity Guild Rugby Football Club

The Rugby Club currently occupy a site between Rowley Road and Coventry Airport. This forms part of the approved Whitley South development site, although the access road to Gateway South will also pass through the Rugby Club site. The Rugby Club's current facilities comprise 2 full-size pitches, a floodlit training pitch and a small club house.

It is proposed that the Rugby Club is relocated to a temporary facility off-site before a new permanent facility is constructed within the Gateway South development. The temporary facility is necessary because of the amount of remediation that is necessary for the Gateway South site. The Rugby Club will need to be relocated soon to allow for the construction of the UK Battery Industrialisation Centre (part of the Whitley South development).

There have been extensive discussions about the relocation between the applicant, Sport England and the Club. Sport England have subsequently confirmed that they have no objection to the application, subject to various conditions. These conditions will ensure that the Club are provided with like-for-like or better facilities than they have at present.

For these reasons, the proposals are considered acceptable in respect of their impact on the Rugby Club. The proposals accord with Local Plan Policy HS2 and the NPPF.

Whilst the Rugby Club have objected to the application, the applicant advises that they have subsequently agreed a relocation proposal with the Club. Consequently they anticipate that the club will withdraw their objection.

Provision of public open space

The development proposals include the provision of a substantial community park which would wrap around the western, southern and eastern edges of the logistics park. This would link up with the community park that has previously been

approved to the west of the Whitley South development. The community park would also extend across land to the east of Middlemarch Business Park.

The community park would extend to an area of over 85 hectares. Key features would be the preservation of woodland and wetland habitats adjacent to the River Avon, landscaped mounds adjacent to the logistics park, new pond areas, new habitat provision for protected species displaced from the logistics park site and the provision of new footpaths/cycleways/bridleways.

The detailed design of the community park would be agreed at reserved matters stage and this would include details of the phasing of the works. Prior to this an infrastructure design, management and maintenance strategy for common areas within the development, including the community park, would be prepared by the developer and agreed with the District and County Councils as part of the Section 106 Agreement. This would detail arrangements in respect of design principles to inform detailed reserved matters planning applications, who will be responsible for maintenance, details of maintenance regimes and public access arrangements which shall provide for public access in perpetuity.

Overall, it is considered that the new community park would enhance the landscape character and biodiversity of the areas adjacent to the proposed logistics park whilst also providing public access to those areas. The works would include enhancement of the River Avon corridor. The community park is therefore considered to be a significant benefit of the scheme. The WDC Green Space Team have confirmed that more open space than the minimum is being provided.

For the above reasons it has been concluded that the proposals accord with Local Plan Policy HS6 and Neighbourhood Plan Policy BAG6.

Loss of agricultural land

Objectors have raised concerns about the loss of productive agricultural land. This relates to the parts of the site that are in agricultural use (i.e. Rock Farm). The area occupied by the industrial buildings, sludge lagoons and the test track are not in agricultural use.

The application was accompanied by an assessment of the agricultural quality of the land. The assessment classifies the agricultural quality of this land as a mixture of Grades 2, 3a, 3b and 4 and states that the intricate soil pattern prevents much of the best and most versatile land from being used to its full potential.

Paragraph 170 of the NPPF states that planning decisions should recognise the economic and other benefits of the best and most versatile agricultural land. Meanwhile, Local Plan Policy NE5 states that development proposals will be expected to demonstrate that they avoid the best and most versatile agricultural land unless the benefits of the proposal outweigh the need to protect the land for agricultural purposes.

The amount of high quality agricultural land that is proposed to be built on only amounts to a relatively small proportion of the overall site, with the remainder of the site either comprising non-agricultural land (i.e. the sludge lagoons, test track

and industrial buildings) or is being proposed for recreational use (i.e. the parts of Rock Farm to the east of Middlemarch Business Park and adjoining the north-eastern side of Bubbenhall Road). It is considered that the limited harm that would arise from the loss of relatively small areas of best and most versatile agricultural land would be outweighed by the significant economic, environmental and recreational benefits of the proposals. Furthermore, the principle of losing this area of agricultural land has been established by the allocation of the site in the Local Plan.

Other matters

With regard to the issue of crime prevention, it is noted that there has been no objection from Warwickshire Police. The detailed crime prevention measures that have been recommended by the Police can be accommodated in the detailed layout and design of the development that will be considered at reserved matters stage.

Objectors have queried the purpose of the proposed car park to the rear of Oak Close. The applicant has confirmed that this is intended to serve any building that is constructed to replace Anson House (which is to be demolished to make way for the proposed development). It replaces an existing car park within the airport.

Concerns have been raised about a lack of protection for nearby dwellings from the airport fuel farm when Anson House is demolished (this is effectively a buffer between the fuel farm and dwellings). However, safety issues related to airport fuel farms are governed by other legislation and so this is not a material planning consideration. In any case, the proposed bund in this location is likely to provide at least as much screening as Anson House.

With regard to the relocation of existing businesses within the site, the applicant has agreed to include a clause within the Section 106 agreement similar to that included for the previous Gateway scheme. This commits the developer to use reasonable endeavours to assist the occupiers of businesses currently located within the site to relocate.

Objectors have raised concerns about cumulative impacts with other large developments taking place or earmarked for the locality, including HS2, Kings Hill and Whitley South. These concerns touch on various different issues including traffic impacts, noise and air quality. However, the applicant was required to consider cumulative impacts in the Environmental Statement. In addition, the relevant consultees in relation to these issues have considered the potential cumulative impacts and have not objected on these grounds.

Concerns have been raised about the loss of the Electric Railway Museum. However this facility has closed. Furthermore, in approving the Whitley South scheme it was judged that there were no planning grounds for resisting the loss of this museum site.

Objectors have highlighted the fact that in refusing the previous Gateway scheme the Secretary of State agreed that there would be some conflict with former Local Plan Policy RAP10 in relation to the effect on Bubbenhall Road. Whilst not cited by

the Secretary of State as a specific reason for refusing planning permission, it was taken into the overall planning balance as a negative impact of the development.

Former Local Plan Policy RAP10 stated that development will not be permitted that would require major modification to surrounding rural roads in a way that would change the character of rural roads in the vicinity of the proposal. However, this policy was not carried forward to the new Local Plan, which contains no similar provisions.

SUMMARY / CONCLUSION

The proposals are in accordance with the allocation of the site as a sub-regional employment site in the Local Plan (Policy DS16). This Local Plan allocation was made to meet a sub-regional need for a major employment site. This is a key element of the Development Strategy of the Local Plan. The proposals also accord with the various plans and strategies of the Coventry and Warwickshire Local Enterprise Partnership, including the Strategic Economic Plan. In this context, it is considered that the proposals would generate significant economic benefits. This should be afforded significant weight in the planning balance.

The proposals accord with Green Belt policy; very special circumstances exist to outweigh any limited Green Belt harm arising from the construction of the bunds. A condition is recommended to secure suitable provisions for the relocation of Trinity Guild Rugby Football Club and clauses in the Section 106 agreement will secure suitable mitigation of ecological impacts. The proposals are considered to be acceptable in terms of car parking and highway safety, landscape impact and flood risk / drainage. The proposals would not cause unacceptable harm to the living conditions of nearby dwellings and have been judged to be acceptable in terms of noise, light pollution and air quality impacts. Conditions can adequately control issues relating to contamination and there would be no harm to heritage assets. Finally the proposals would have an acceptable relationship with Coventry Airport.

Overall it is considered that the proposals accord with the policies of the Development Plan (including the Local Plan and the Neighbourhood Plan) and the NPPF. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 Details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than demolition or ground works) is commenced:-
 - the layout of the phase and its relationship with existing adjoining development;
 - the scale of the buildings;
 - the appearance of the buildings; and
 - the landscaping of the site.

REASON:

To comply with Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

- 2 Application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission.

REASON:

To comply with Section 92 of the Town & Country Planning Act 1990 (as amended).

- 3 The development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later.

REASON:

To comply with Section 92 of the Town & Country Planning Act 1990 (as amended).

- 4 Prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:

- i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Community Park and arrangements in respect of the phasing of all transportation infrastructure;
- ii) temporary access arrangements for vehicles and pedestrians in respect of each phase;
- iii) car parking arrangements in respect of each phase;
- iv) any interim surface, boundary treatment, external lighting or landscaping measures;
 - a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of further mitigation measures, if necessary); and
 - a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

REASON:

To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies BE1, TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 5 In respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall

Gross Internal Area of all building floorspace shall be within the minimum and maximum limits set down in approved Parameters Plan drawing no. 3924-3/023 Rev P12.

REASON:

To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies BE1 & TR2 of the Warwick District Local Plan 2011-2029.

- 6 Any Reserved Matters application shall, where relevant to that phase of development:
- Demonstrate that the proposals accord with the approved Parameters Plan drawing no. 3924-3/023 Rev P12 and the principles set down in the Design & Access Statement forming part of the approved application documentation;
 - Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
 - Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
 - Identify locations for public art features;
 - i) Show the location of each pond;
 - ii) Include landscape design principles for the logistics park aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Community Park and neighbouring land.
 - iii) Contain principles in respect of disabled access throughout the development and to/from buildings.
 - iv) Detail principles on how crime prevention matters will be addressed in respect of the development.

REASON:

In the interests of urban design in accordance with Policies BE1 & HS7 of the Warwick District Local Plan 2011-2029.

- 7 The reserved matters to be submitted in accordance with Condition 1 for each phase 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 in that phase and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing no. 3924-3/023 Rev P12 forming part of the approved application documentation.

REASON:

In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

- 8 The reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard

surfacing materials for that phase. 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.

- 9 Any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. 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 the interests of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 10 No demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.

REASON:

To safeguard those trees to be retained in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 11 The existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428

– Code of Practice for General Landscape Operations (excluding hard surfaces).

REASON:

To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 12 None of the buildings hereby permitted shall be occupied until the construction of the proposed bunds has been completed in strict accordance with the approved plans.

REASON:

To ensure that the bunds provide screening for the development at the earliest opportunity, in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 13 Prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, shall be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

REASON:

To ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029.

- 14 No development shall commence until:

- (i) a scheme to consider options for the retention of the oak tree marked as T38 on the tree survey has been submitted to and approved in writing by the local planning authority;
- (ii) if the scheme approved under (i) demonstrates to the satisfaction of the local planning authority that it is not feasible or practical to retain the tree, details of compensatory measures shall be submitted to and approved in writing by the local planning authority.

If retention of the tree is approved under (i), the tree shall be retained in accordance with the approved scheme. If removal of the tree is approved under (i), the compensatory measures approved under (ii) shall be implemented in strict accordance with the approved details.

REASON:

To ensure that all options to retain this tree which is of significant

amenity and ecological value to the area are assessed, in accordance with Policies NE2, NE3 & NE4 of the Warwick District Local Plan 2011-2029.

- 15 No more than 30% of the total floorspace hereby permitted shall be occupied for purposes falling within Use Class B2 of the Town & Country Planning (Use Classes) Order 1987 as amended.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 16 No development shall commence other than site preparation and earthworks until full details of the site access provisions have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 17 No construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 18 Access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 19 No development shall commence other than site preparation and earthworks until details (including a Road Safety Audit) of pedestrian/cycle crossing facilities at the Rowley Road signalised roundabout have been submitted to and approved in writing by the local planning authority. Thereafter these crossing facilities shall be

implemented in accordance with the approved plans and permanently retained thereafter.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 20 No more than 46,450 square metres (GFA) of floorspace shall be brought into use and occupied until the Phase 2 site access highway works for the Whitley South development approved under planning permission no. W16/0239 (as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P33) have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation for W16/0239 and is opened to traffic.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 21 No highway works approved as part of the development shall be undertaken unless and until:
- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
 - ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 22 Street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycleways in full accordance with details previously submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway, pedestrian and cyclist safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 23 No highway works approved as part of the development shall be undertaken unless and until further details of the design of the internal site road, footways, cycleways and car parks have been submitted to and approved in writing by the local planning authority. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfalls. The

development shall be carried out in strict accordance with the approved details.

REASON: In the interests of highway, pedestrian and cyclist safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 24 No development shall be occupied unless and until a Link Road has been constructed between Rowley Road and the site generally in accordance with drawing no. 17-0836/100A. The Link Road shall be 7.3m wide unless otherwise required at bends and shall provide for 120m forward visibility in accordance with TD9/93 - "Highway Link Design". It shall include either twin 3m Cycleways or a single 4m Cycleway on the eastern side, to be agreed with the Highway Authority. Signage shall be provided at connections with Bubbenhall Road and Coventry Road stating that roads to the south are "Unsuitable for HGV's". Bus Stops shall be provided on the Link Road in each direction of travel to allow suitable access to the site, Coventry Road and Whitley South (details and location to be agreed with the Highway Authority). The Link Road shall be constructed in accordance with details that shall have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway, pedestrian and cyclist safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 25 No gates or barriers shall be erected at the accesses to the site or airport land unless otherwise approved in writing by the local planning authority.

REASON: In the interests of highway, pedestrian and cyclist safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 26 No building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:

- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
- ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
- i) Covered cycle and motorcycle parking; and
- ii) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

REASON:

In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029.

- 27 The number of car parking spaces to be provided within the application site in respect of the development hereby permitted shall not exceed 3,500, of which a maximum of 500 shall be allocated for visitors and no more than 3,000 for the employees of the development.

REASON:

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029.

- 28 Prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy.

REASON:

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029.

- 29 The reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

REASON:

To promote sustainable transport choices in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

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

- i) Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water

- runoff from the site.
- ii) Provide provision of surface water attenuation storage as stated within the FRA and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments'.
 - iii) Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. Where possible conveyance features should be designed to slow flows and provide surface water treatment where possible.
 - iv) Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe, Hazard mapping may be required to ensure the development remains safe to users of the site.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Provide evidence to show that the relevant consents are in place for connection to the existing surface water network from the relevant asset owners.
 - Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

REASON:

To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029.

- 31 No development shall commence until details of the future management and maintenance of the surface water drainage systems have been submitted to and approved in writing by the local planning authority. This shall include details of the name of the party responsible, including contact details. The approved management and maintenance plan shall thereafter be implemented in strict accordance with the approved details.

REASON:

To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029.

- 32 The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) Coventry and Warwickshire Development Partnership Gateway

South_BWB Consulting_WHI-BWB-EWE-XX-RP-YE-0002_FRA_Rev P5_May 2018 and in particular the following mitigation measures detailed within the FRA:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to a total of 407l/s for the site using multiple outfalls.
- Your ref: W/18/0522 Our ref: WCC001081 R1/FRM/SW/002 Your letter received: 22/05/2018
- Finished floor levels are set no lower than 150mm above existing ground level.
- Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.
- 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 ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 33 No development shall commence until a strategy to manage and maintain any construction materials from entering or silting up the local drainage network has been submitted to and approved in writing by the Local Planning Authority. This shall include details of measures to ensure that no silt or chemicals can leave the phase being constructed as well as measures to ensure that any damage to the local land drainage network is repaired. The approved strategy shall be implemented in strict accordance with the approved details.

REASON:

To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029.

- 34 The reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.

REASON:

To ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with FW2 of the Warwick District Local Plan 2011-2029.

- 35 No development shall commence on the site occupied by Trinity Guild RFC unless and until a scheme for the relocation of Trinity Guild RFC has been submitted to and approved in writing by the local planning authority. The scheme shall include details of playing pitches, a clubhouse, floodlighting, perimeter fencing and parking facilities together with vehicle and pedestrian access to those facilities which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site. The scheme shall also include details of timescales for the relocation, including details of any temporary facilities during construction works. The scheme shall be implemented in strict accordance with the approved details and timescales.

REASON:

To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord Local Plan Policy HS2.

- 36 No development shall commence on the site occupied by Trinity Guild RFC unless and until the following has been submitted to and approved in writing by the local planning authority:

- (i) a detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field, to identify constraints which could adversely affect playing field quality; and
- (ii) where the results of the assessment carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints.

The scheme under (ii) shall include a written specification of the proposed soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. Any scheme approved under (ii) shall be implemented in strict accordance with the approved details. The land shall be maintained in strict accordance with the approved scheme at all times thereafter.

REASON:

To ensure that the playing field is prepared to an adequate standard and is fit for purpose, in accordance with Local Plan Policy HS2.

- 37 No development shall commence on the site occupied by Trinity Guild RFC unless and until a schedule of maintenance for the replacement playing field for a minimum period of 5 years from first use has been submitted to and approved in writing by the local planning authority. The schedule of maintenance shall be implemented in strict accordance with the approved details.

REASON:

To ensure that the playing field is established as a functional playing field to an adequate standard and is fit for purpose, in accordance with

Local Plan Policy HS2.

- 38 No development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority.

REASON: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 39 No development shall commence unless and until a scheme for the provision of emergency access from Middlemarch Business Park to Bubbenhall Road and from the proposed logistics park to Siskin Parkway West both during the construction and operational phases of development has been submitted to and approved in writing by the Local Planning Authority. At all times following the commencement of development such emergency access shall be provided in full accordance with the approved scheme.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 40 Noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, 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 protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 41 None of the buildings hereby permitted shall be first occupied until:
- i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
 - ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

REASON:

To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 42 The Construction Management Plan to be submitted under Condition 17 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

REASON:

In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies BE3, TR1, TR2 & NE5 of the Warwick District Local Plan 2011-2029.

- 43 No development shall take place on any phase of development until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

REASON:

To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy TR2 of the Warwick District Local Plan 2011-2029.

- 44 No development shall take place on any phase of the development until:
- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
 - ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;
 - iii) 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 and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall

thereafter be implemented in full and all development of the site shall accord with the approved method statement.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 45 If, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 46 No phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 47 No recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:
- i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and
 - ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 48 No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON:

To protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 49 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON:

To protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 50 Construction work shall not begin on any phase of the development hereby permitted 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 District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

REASON:

In the interests of fire safety in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 51 No development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

REASON:

To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029.

- 52 No phase of the development hereby permitted shall be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the development of that phase 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. The development of each phase shall not be occupied unless and until a completion stage assessment by an accredited BREEAM assessor demonstrating that the development of that phase achieves 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.

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.

Planning Committee: 12 December 2018

Item Number: 5

Application No: [W 18 / 1021](#)

Town/Parish Council: Kenilworth

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 05/09/18

Expiry Date: 31/10/18

52 High Street, Kenilworth, CV8 1LZ

Proposed erection of a three bedroom, detached, pitched roof dwelling in the existing residential rear garden of 52 High Street, Kenilworth. FOR Mr & Mrs Lynes

This application is being presented to Committee as there have been more than 5 letters of support and it is recommended for refusal.

RECOMMENDATION

Planning committee are requested to refuse planning permission for the reasons listed in the report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a detached 1.5 storey, 3 bedroom dwelling within the rear garden area of 52 High Street following the removal of an existing storage building. An existing access point from the rear of the site would be utilised from Elmbank Road. A private driveway would be provided leading to the dwelling and the existing garden serving 52 High Street would be divided between the two resulting properties.

The property would benefit from large glazed elevations and the application form states that the elevations would be clad in black vertical timber boards, the roof would be natural slate and the doors and windows would be constructed with grey aluminium frames.

THE SITE AND ITS LOCATION

The application relates to the rear garden area serving 52 High Street, a Grade II listed property. The application site is located within the Conservation Area and urban area of Kenilworth. Currently there is a timber single storey storage building on the application site. There is an existing access to the rear of the site from Elmbank Road, where a single storey garage is positioned. There are TPO trees within and around the site.

PLANNING HISTORY

There are various previous permissions relating to the main dwelling, however, only the following are considered relevant to the assessment of this application:

W/02/0686 - planning permission refused for the erection of a new dwelling, with access off Elmbank Road, after removal of garden buildings and part of boundary fence.

W/02/0687/LB - listed building consent refused for the demolition of garden buildings and part of boundary fence.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
- Kenilworth Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: No objection.

WCC Archaeology: No objection, subject to condition.

WCC Ecology: No objection, subject to conditions.

WCC Highways: No objection.

Waste Management: No objection.

Tree Officer: No objection, further information required.

Public Responses: 9 Objections:

- disruption from construction works such as noise, dust, dirt, debris, traffic restrictions, construction traffic;
- loss of privacy;
- loss of outlook;
- loss of light, no daylight analysis submitted;
- visual intrusion;

- impact on wildlife and protected trees;
- uniqueness and quaintness should be protected;
- proximity of the development to the boundaries shared with neighbouring properties;
- impact on the Conservation Area;
- access from Elmbank Road is inadequate;
- impact on the character of the area;
- over-development of the site.

11 Support:

- the proposed dwelling would compliment the main dwelling and has its own garden and parking provision;
- modern, innovative design with the use of appropriate materials;
- public benefits are: contributing to the housing requirement for the district, payment of the New Homes Bonus, payment of additional council tax and contributing to an increased amount of spending in High Street;
- the proposal is materially different to the 2002 planning application which was refused and dismissed at appeal;
- the proposal is carefully designed to fit well within its environment, and would not have a harmful impact on the character of the area;
- the property would be sustainable.

1 Neutral:

- concern regarding ecological impact;
- impact on the Conservation Area;
- could set a harmful precedent.

Assessment

The main issues relevant to the assessment of this application are:

- Principle of the Development
- Impact on the Character and Appearance of the Area
- Impact on Heritage Assets
- Archaeological Impact
- Impact on Neighbouring Residential Amenity and Living Conditions for the Future Occupiers
- Parking and Highway Safety
- Waste Management
- Trees
- Ecology
- Other Matters

Principle of the Development

Local Plan policy H1 states that new housing development will be permitted within the urban areas. Kenilworth is identified as being an urban area on the proposal maps and therefore meets this criteria. Policy H1 goes on to state that housing development on garden land will not be permitted unless the development reinforces, or harmonises with the established character of the

street and locality, and respects surrounding buildings in terms of scale, height, form and massing.

The proposal would provide one detached dwelling on garden land. Officers consider that the proposed siting of the dwelling would be at odds with the established character of the area, by virtue of its position behind properties along Elmbank Road and High Street, its lack of street frontage and overall scale and mass. It is considered that the proposed development would provide backland development which is considered to be harmful to the area as it does not harmonise well with its surroundings.

In terms of the proposed footprint of the dwelling, this is far larger than any of the neighbouring residential properties, making the proposed dwelling appear incongruous and inappropriate in this location, especially in comparison to the modest dwellings fronting onto High Street.

A previous application for a detached dwelling was refused on this site (W/02/0686) for a two storey dwelling, which was set further to the south of the site, closer to 52 High Street. The decision notice identified that the proposal represented backland development, which failed to harmonise in scale and form with its surroundings. It is recognised that it is some time since the refusal and that there have been amendments to the proposal. However, the principle of a dwelling in this location, i.e. behind the properties serving Elmbank Road and High Street is still considered to represent harmful backland development. Furthermore, whilst the proposed dwelling has been reduced to a single storey property, the proposed footprint has been increased from 150sqm to nearly 270sqm, highlighting the vastly inappropriate and out of scale nature of the development in comparison with both the previous scheme and neighbouring properties.

The proposal would be at odds with this established character of the area, appearing incongruous and out of keeping with the nearby traditional street frontage development and is considered to represent backland development, which is contrary to Local Plan policy H1. The development is not considered to be acceptable in principle. As identified by a member of the public, allowing an application in this backland location could set a harmful precedent, which Officers would seek to resist.

The impact on the Character and Appearance of the Area

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

area. The Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

Kenilworth Neighbourhood Development Plan (KNDP) policy KP13 states that development proposals should achieve a standard of design that appropriate to the local area and demonstrates that there is a positive response to the site characteristics and surroundings in terms of the proposed layout, density, building scale, height, proportions, massing, orientation, architectural detail, materials and landscape.

There have been objections from members of the public that the proposed development would have a detrimental impact on the character of the area and is considered to represent over-development of the site.

However, supporters of the development consider that the proposed dwelling would compliment the main dwelling, and is of a modern, innovative design, using appropriate materials. Supporters also consider that the proposal is carefully designed to fit well within its environment, and would not have a harmful impact on the character of the area.

The design of the property is relatively modern, with substantial areas of glazing and rendered walls. In this varied context, and as the proposed development would not be visible from the street scene, the materials and general design is considered to be acceptable.

However, as detailed above, the proposed development is considered to represent backland development which is harmful and does not respond positively to the character of the area. The scale of the proposed dwelling is out of keeping and dominates the width of the plot, creating an alien form of development within the area. This is also considered to represent overdevelopment of the site.

The agent contends that the proposed dwelling would not be harmful to the character of the area and suggests that there are thirty four dwellings, without traditional street frontages, within 350 metres of the application site, which in their opinion defines the character of the area. The agent has provided a map identifying the properties which they consider to represent existing backland development.

Firstly, Officers consider that a 350 metre radius measured from the site is a crude and inappropriate means to assess the impact of the proposed development on the character of the area. Assessing a radius in this way does not specifically look at the site context. For example, one site the agent identifies as being backland development is along Fieldgate Lane and actually some 400 metres from the application site, in an area with much different character to that of the properties along High Street or Elmbank Road.

Secondly, Officers cannot agree that the character of the area is defined by backland development. Officers recognise that there are some sites within the wider area which do represent backland development, but a small number of

historic examples do not define the character of the area, which is defined by traditional street frontage properties.

Other wider examples presented by the agent include comprehensive residential developments of between 6 and 12 dwellings (e.g. Fieldgate Lawn and Monmouth Court). Each of these are individually designed residential developments which have their own street frontage or court yard. It should also be noted that all of the examples which the agent has cited were approved, at the earliest in the mid 1990s, but mostly in the 1980s, 1970s or earlier. This is well before the current adopted Local Plan and also the introduction of the NPPF in 2012 which sought to avoid the inappropriate development of garden land.

In terms of the nearby examples which would influence the character of the nearby area and context of the application site, the agent had identified an example of what he considers to be backland development (7 Elmbank Road). However, this dwelling was granted permission in 1985, again well before the current Local Plan and introduction of the NPPF. Furthermore, this property has been designed to fit in with the street scene along Elmbank Road, and whilst set back further than others within Elmbank Road, the dwelling sits appropriately and forms part of the street scene. This is not considered to represent backland development.

There is a small cluster of residential properties to the west of the application site which the agent contends represents backland development. The bungalow which forms part of this cluster has permission dating from the early 1980s, however, the other dwellings must have been granted permission prior to this. These dwellings essentially benefit from their own small street scene, which is an extension of Malthouse Lane. It is not considered that this historic example of backland development sets a precedent for future development of this nature, and in any event each application has to be determined on its own planning merits

The agent contends that there are 34 example of backland development nearby to the site and that this forms part of the established character of the area. Officers disagree with this view and would only agree that there are 9 examples of true backland development within the given area the agent has chosen. There are however 240 properties within this large area identified by the agent, meaning that only 3.75% of properties represent backland development. 96.25% of properties have a traditional street frontage, and this is considered to be the well established character of the area.

As detailed above, the small number of backland sites are considered to be historic and there are material changes in circumstances, including the introduction of the NPPF and Local Plan policy H1 which seeks to protect garden land from incongruous and harmful development, since these approvals.

Notwithstanding whether the proposed development is considered to be backland development, the proposed footprint of the dwelling is far larger than any of the neighbouring residential properties, making the proposed dwelling appear incongruous and inappropriate in this location, thus failing to harmonise well with its surroundings.

The proposed siting of the dwelling is considered to be harmful to the character of the area. The proposed scale of the dwelling is also considered to be out of keeping and harmful to the area, representing overdevelopment of the site. The proposal is considered to represent backland development which does not harmonise well with the nearby streets. Therefore, the proposed development is considered to be contrary to Local Plan policy BE1 and KNDP policy KP13.

Impact on Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 193 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. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

KNDP policy KP13 states that heritage assets and their settings in the locality must be respected in accordance with their significance and must address the guidance provided in the Kenilworth Conservation Areas Design Guide. Policy KP13H defines the design management principles in High Street and recognises the importance of the 17th and 19th century properties as high value.

There have been objections from members of the public that the development will have a harmful impact on the Conservation Area.

The Conservation Officer has been consulted regarding the application and notes that,

"...the scheme is uncharacteristically large in terms of footprint for the Conservation Area and takes up substantial garden space in a back land plot. The surrounding properties on High Street (52-62 and the Stone House) are Grade II Listed, all with large rear garden plots which forms part of their

distinctive character and should be retained to protect the setting of Listed buildings. These green spaces also serve as an important break between the late C20 developments in the Berkeley Road/Elmbank Road area and the C18 properties on High Street."

As identified above, the proposed dwelling is considered to represent backland development which would be harmful to the character of the area. The Conservation Officer was consulted on the agent's contention that backland development forms part of the character of the area, but agreed with other Officers that High Street and the surrounding Conservation Area is characterised by dwellings with street frontages, as this existing streetscape undoubtedly forms an important and integral part of the Conservation Area's overriding character. The Conservation Officer also notes that the properties serving Fieldgate Lane/Fieldgate Lawn vary significantly in character and appearance from High Street and also disputes that this lies 'within the local vicinity' as the sites are located approximately 0.5 miles apart. The Conservation Officer identifies that the development would be harmful to the Conservation Area and setting of the listed building.

Under a previous application for a detached dwelling on the site which was refused (W/02/0686), the decision notice states, "it is considered that the proposal to build a large house of modern design, in a back land location in the Kenilworth Conservation Area, severing the garden of the adjoining Listed Building would fail to harmonise in scale and form with its surroundings and would fail to achieve a high quality of design and appropriate to the special character of the Conservation Area... The proposal would introduce modern development together with additional driveways, into a garden location to the rear of the existing house, would have an awkward juxtaposition in relation to properties in Elmbank Road, and would leave a much depleted garden to 52 High Street. For these reasons it is considered that the development would have a detrimental effect on the character and appearance of the Conservation Area".

Officers consider that in terms of the site context, very little has changed and whilst the proposed dwelling has been repositioned on the site, the same principles of the development and associated harm identified in the previous appeal still carries considerable weight. The development is still considered to be at an awkward juxtaposition in relation to the surrounding properties and is considered to be out of scale and character with the Conservation Area. Officers recognise that 52 High Street would be left with a larger garden than that which was previously proposed. However, as the Conservation Officer has identified, the garden area on which the proposed dwelling would sit acts as a visual relief between the modern and historic, listed properties. This encroachment on the garden of 52 High Street is considered to be harmful to the setting of the listed building.

It is therefore considered that the proposed development would cause harm to the setting of the listed building and Conservation Area. The harm identified is considered to be less than substantial. Members of the public identify public benefits of the proposed development as: contributing to the housing requirement for the district, payment of the New Homes Bonus, payment of additional council tax and contributing to an increased amount of spending in High Street; and that the property would be sustainable.

Officers recognise the need for housing. However, this would provide only one additional unit, which is considered to provide limited benefits. The financial benefit of spending on the high street within the local area whilst welcomed, is not considered to be so beneficial that this would outweigh the harm caused. Furthermore, the contributions of a New Homes Bonus and payment of additional council tax would not be material planning considerations. Officers also welcome the sustainable nature of the development. However, it is not considered that the sustainability credentials of the development (or the combined benefits proposed) would outweigh the significant harm to the Conservation Area and setting of the listed building.

The proposed development is therefore considered to be contrary to Local Plan policies HE1 and HE2 and KNDP policies KP13 and KP13H.

Archaeological Impact

WCC Archaeology have commented on the application and note that the proposed development is located within an area of significant archaeological potential, within the extent of the medieval settlement at Kenilworth. Numbers 52 and 54 High Street Kenilworth are a later 18th century Grade II Listed Building. There is a potential for the proposals to impact upon archaeological deposits, including structural remains, boundary features and domestic refuse pits, associated with the occupation of this area during the medieval and later periods.

WCC Archaeology therefore recommend a condition requiring a Written Scheme of Investigation (WSI), programme of archaeological evaluative work and associated post-excavation analysis and Archaeological Mitigation Strategy. This is considered to be acceptable and could be added if the application were being approved.

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

Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwelling

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

KNDP policy KP13 states that impact on residential amenity of existing and future residents must be assessed and addressed.

Impact on Neighbouring Residential Amenity

There have been objections from members of the public that the proposed development would result in a loss of privacy, outlook and light, and cause visual intrusion. Concern is also raised regarding proximity of the development to the boundaries shared with neighbouring properties. Letters of support state that the development would have an acceptable impact on neighbouring properties.

The proposed dwelling would sit immediately at the end of the rear garden of 22 Elmbank Road. The proposed dwelling would sit at an angle to this neighbour, with mainly the side elevation facing towards the rear of 22 Elmbank Road. There would be no windows which would face towards this neighbour's property. At the closest points, the proposed dwelling would be 15 metres from the rear of 22 Elmbank Road, meeting the Council's minimum distance separation of 12 metres for this arrangement.

There are properties located to the east of the proposed dwelling along Elmbank Road which would sit further forwards than the application property, at a 90 degree angle. In the main, the proposed dwelling is single storey and has the impression of a bungalow. There would be views from the rear elevation of the property at first floor, however, these will not directly overlook any of the neighbour's properties. There would be obscure views of the garden serving 20 Elmbank Road, but they would be over 20 metres away. There would be no first floor views of the properties to the east of the site.

The distance from the rear of properties fronting onto High Street to the front of the proposed dwelling is, at the closest points 40 metres. This is well above the Council's required distance separation for this relationship.

However, the proposed site layout means that the access and driveway to the site would pass immediately adjacent to the private amenity area for 52 High Street. The Council's adopted Residential Design Guide states that in assessing proposals, consideration should be given to privacy, outlook, noise in relation to the provision of private outdoor amenity areas. The development would result in a substantial driveway running the length of the garden for 52 High Street which would seriously detract from the quiet enjoyment of this space, providing noise disturbance from the unfettered movements of vehicles passing along the access route. Whilst the current owners of 52 High Street (who have made this application) may be satisfied with this arrangement, the Council has a duty to protect the living conditions for any future occupiers of the properties who may not find this reasonable.

Members of the public have raised concerns regarding disruption from construction works such as noise, dust, dirt, debris, traffic restrictions and construction traffic. However, these impacts would be temporary and the construction works would be dealt with by Building Control.

Living conditions for the future occupiers of the dwellings

The proposed dwelling is considered to provide adequate light, outlook and privacy to all of the habitable rooms. The development would provide an adequately sized garden which meets with the Council's minimum required

private outdoor amenity size standards, as would the proposed garden for 52 High Street,

It is considered that the proposed development would have a harmful impact on neighbouring residential development, by virtue noise and disturbance to the occupiers of 52 High Street from the proposed access and driveway. The development is therefore considered to be contrary to the Residential Design Guide, Local Plan policy BE3 and KNDP policy KP13.

Parking and Highway Safety

There have been objections from members of the public that access from Elmbank Road is inadequate for the purposes of a new dwelling. However, WCC Highways have assessed the proposed access (which is an existing access to the rear of 52 High Street), and they have no objection to the proposal.

The development would provide adequate parking for both the existing and proposed dwelling in accordance with the Council's Vehicle Parking Standards, which is also required by the KNDP.

The development is therefore considered to be in accordance with Local Plan policy TR1 and TR3 and KNDP policy KP12.

Waste Management

Waste Management have no objection to the proposed development and it is noted that waste and recycle storage can be accommodated within the site boundaries.

The Council's guidance note on refuse and recycling storage states that in accordance with British Standard 5906:2005 residents should not be required to move any 2-wheeled container more than 15m from the point of storage to the point of collection. Furthermore, the guidance note also confirms that storage areas for residential dwellings should be sited so that the occupiers are not required to carry waste more than 30m from an external door to the point of storage.

The future occupiers of the dwelling would be required to move their waste 55 metres from the front door to the bin storage area next to the proposed site access. This is considerably more than the recommended distance of 30 metres. Furthermore, if the bin storage was moved closer to the dwelling, this would then mean that the occupants would be required to move their waste storage further on collection day, which would also conflict with the relevant guidance.

The proposal is therefore considered to conflict with Local Plan policy BE1 as it fails to provide sufficient waste management and would also conflict with Local Plan policy BE3 as it fails to provide convenient waste storage options which could affect levels of amenity for the future occupiers.

Trees

Concern has been raised by members of the public regarding the impact on trees as a result of the proposed development. As the site is located within the Conservation Area, trees within and adjacent to the site boundaries have protected status, and there are a number of TPO trees in and around the site.

The Council's Tree Officer has been consulted on the application and has stated that the Arboricultural Impact Assessment provided is thorough and competent. However, the Tree Officer has requested some additional details which has been requested from the agent. Members of the committee will be updated on this matter prior to the meeting.

Ecology

Objections raise concerns regarding the impact of the proposed development on wildlife.

WCC Ecology have assessed the application and the Preliminary Ecological Appraisal which was provided as part of the application. They agree with the findings in the report and the methodology used to carry out the study. WCC Ecology recommend various conditions which could be added if the application were being approved.

The proposed development is therefore considered to be in accordance with Local Plan policy NE2.

Other Matters

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities for the new dwelling. A condition could be added to secure this if the application were being approved.

Conclusion

The proposed dwelling is not considered to be acceptable in principle as the development is not considered to harmonise well with the existing character of the area, which would be contrary to Local Plan policies H1 and BE1 and KNDP policy KP13. The development would also have a harmful impact on the setting the listed building and Conservation Area, which is contrary to Local Plan policies HE1 and HE2 and KNDP policies KP13 and KP13H. Furthermore, the proposal is considered to have an adverse and unneighbourly impact on the occupiers of neighbouring residential properties, which would be contrary to Local Plan policy BE3 and KNDP policy KP13. The development also fails to provide adequate waste storage options which is contrary to Local Plan policies BE1 and BE3. The application should therefore be refused.

REFUSAL REASONS

- 1 Warwick District Local Plan 2011 - 2029 Policy H1 states that housing

development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing.

It is considered that the proposed development would not reinforce, or harmonise with the established character of the street and locality by virtue of a lack of street frontage and inappropriate scale. The proposal is considered to represent backland development which is out of keeping and harmful to the character of the area.

The proposal is therefore considered to be contrary to the aforementioned policy.

- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. The policy requires development to harmonise with or enhance the existing settlement in terms of physical form, and to reinforce or enhance the established urban character of streets.

Kenilworth Neighbourhood Development Plan 2017 - 2029 policy DP13 states that development proposals should achieve a standard of design that are appropriate to the local area and demonstrates that there is a positive response to the site characteristics and surroundings in terms of the proposed layout, density, building scale, height, proportions, massing, orientation, architectural detail, materials and landscape.

It is considered that the proposed development would not respond positively or harmonise with the established character of the street and locality by virtue of a lack of street frontage and incongruous scale. The excessive scale and footprint of the proposed development is considered to represent overdevelopment of the site. The proposal is considered to represent backland development which is out of keeping and harmful to the character of the area.

The development is thereby considered to be contrary to the aforementioned policy.

- 3 Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

KNDP policy KP13 states that impact on residential amenity of existing and future residents must be assessed and addressed.

The proposed access arrangement would result in undue noise and disturbance to the occupiers of 52 High Street which emanate from the unfettered movements of vehicles using the access. Due to the close proximity of the access running alongside 52 High Street, it is considered that the proposal would be unneighbourly as it would disrupt the enjoyment of the quiet private amenity space associated with 52

High Street where it is not unreasonable to expect such enjoyment.

The proposal is thereby considered to be contrary to the aforementioned policy.

- 4 Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Furthermore, policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

KNDP policy KP13 states that heritage assets and their settings in the locality must be respected in accordance with their significance. Policy KP13H defines the design management principles in High Street and recognises the importance of the 17th and 19th century properties as high value.

The proposed development would be seriously detrimental to the setting of both the listed building and the Conservation Area as a whole, by reason that the proposed dwelling fails to harmonise well with and preserve the established character of the Conservation Area. The scale of the proposed development would also be harmful to the established character of the Conservation Area and the development would be positioned on garden land which forms part of the distinctive character and setting of the nearby listed buildings.

The harm identified is considered to be less than substantial, however, there are no public benefits identified which would outweigh this harm.

The development is thereby considered to be contrary to the aforementioned policies.

- 5 The Council's guidance note on refuse and recycling storage states that in accordance with British Standard 5906:2005 residents should not be required to move any 2-wheeled container more than 15m from the point of storage to the point of collection. The guidance note also confirms that storage areas for residential dwellings should be sited so that the occupiers are not required to carry waste more than 30m from an external door to the point of storage.

The future occupiers of the dwellings would be required to move their waste 55 metres from the front door to the bin storage area at the front of the site. This is considerably more than the recommended distance of 30 metres. 55 metres is an unreasonable distance to expect occupants to transport waste to be collected.

The proposal is therefore considered to conflict with Local Plan policy

BE1 as it fails to provide sufficient waste management and would also conflict with Local Plan policy BE3 as it fails to provide convenient waste storage options which could affect levels of amenity for the future occupiers.

Planning Committee: 12 December 2018

Item Number: 6

Application No: [W 18 / 1760](#)

Town/Parish Council: Warwick

Registration Date: 11/09/18

Case Officer:

Helena Obremski

Expiry Date: 06/11/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

19 Pickard Street, Warwick, CV34 4PT

Application for variation of condition 2 (plan numbers) of planning application W/16/1744 to allow for store room in the loft space and alterations to fenestration. FOR Mr A Ruyssevelt

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

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The scheme remains the same as extant permission W/16/1744 and seeks only to vary condition 2 (plan numbers) to allow for:

- rendering of the property;
- additional window to the second floor of the end gable;
- internal alterations to provide store rooms within the loft space;

It is therefore these elements only which are considered below.

Originally, the proposal included the conversion of the loft space into a fifth bedroom. As there was no satisfactory outlook provided for the future occupants and as WCC Highways expressed concerns regarding the increased demand on parking and additional bedroom would generate and the associated highway safety implications, this area has been amended to a store.

THE SITE AND ITS LOCATION

The application relates to a parcel of land to the north of 19 Pickard Street. There is an existing vehicular access to the site from Avon Street, and the proposed dwelling would front onto Pickard Street, adjoining Number 19. The existing street scene and wider area is characterised by a mixture of traditional Victorian terraces, semi-detached 1970s dwellings and a more recent apartment block. The prevailing material within the street scene is brick, however, there are a mixture of colours of bricks and also some smooth coated render.

PLANNING HISTORY

W/16/1744 - application granted for the erection of 1no. dwelling.

W/16/1216 - application withdrawn for the proposed erection of two dwellings.

W/03/0680 - application granted for the erection of a detached dwelling and garage.

W/81/1243 - application granted for the erection of a dwelling and garage.

W/78/1156 - application granted for the erection of a detached dwelling and garage.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection, supports comments made by WCC Highways and the proposal represents overdevelopment of the site.

Private Sector Housing: No objection.

WCC Highways: Objection.

Public Responses: 13 Objections:

- concern regarding the principle of the development;
- inadequate parking provision and associated highway safety implications;
- loss of light and privacy to neighbouring properties;
- concern regarding construction vehicles and highway safety;
- overdevelopment of the site;

- queries distances between the proposed development and the public footpath;
- an open space contribution should be required;
- noise and dust disturbance from the construction works;
- the construction management plan is not being adhered to - concern regarding safety and asbestos removal;
- concern regarding the property being used as a HMO;
- the development is unneighbourly;
- breach of 45 degree rule.

Petition: 38 signatures:

- detrimental impact on existing parking stress and highway safety;
 - unneighbourly;
 - overdevelopment;
 - not in keeping with the character of the area;
 - overlooking, loss of privacy, loss of light;
- breach of 45 degree rule.

Assessment

The main issues relevant to consideration of this application are:

- Impact on the Character and Appearance of the Area
- Impact on Neighbouring Residential Amenity
- Parking and Highway Safety
- Health and Wellbeing
- Other Matters

Impact on the Character and Appearance of the Area

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

There have been a number of objections from members of the public and the Town Council which state that the proposal represents overdevelopment of the site and that the proposal is not in keeping with the character of the area.

Planning permission has already been granted for the erection of a dwelling in this location, and therefore the principle of the development cannot be revisited. Only the rendering of the property and additional window as proposed and how it would affect the street scene can be assessed as part of this application. Whilst in the main part, the street scene is characterised by brick built properties, there are a number of part and fully rendered properties within the immediate vicinity of the application site, including 19 Pickard Street, which is partly rendered. The approved dwelling would appear as a modern in-fill property which would not appear out of keeping within the varied street scene.

The additional window to the side elevation is small and will be constructed from the same materials as the other windows proposed on the property and is therefore considered to be acceptable.

As amended, the proposed amendments are therefore not considered to represent overdevelopment of the site, and would not have a harmful impact on the street scene. The development is considered to be in accordance with Local Plan policy BE1 and the Residential Design Guide.

Impact on Neighbouring Residential Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

There have been objections from members of the public that the proposed amendments would result in overlooking and loss of light and privacy to neighbouring properties. Concerns are also raised regarding noise and dust disturbance from the construction works. Members of the public consider the amendments to be unneighbourly and that there would be a breach of the 45 degree guideline.

The proposed amendments would not result in the extension or alteration of the size of the approved dwelling. It is therefore not considered that there would be a breach of the Council's 45 degree guidance or any additional loss of light as a result of the proposed amendments. The only additional window which could cause any loss of privacy or overlooking is one to the second floor side elevation of the property. However, this window would not directly overlook any other property. There are properties on the opposite side of the road to the approved dwelling, however, there would be no direct relationship between any of the windows serving these properties to the proposed window. The road which separates the properties also provides a sense of separation and it is not considered necessary to condition this window to be obscure glazed.

Noise and dust disturbance would be a temporary affect on neighbouring amenity which would be controlled by Building Regulations and cannot be assessed as part of the planning application.

It is therefore considered that the proposed amendments would have an acceptable impact on neighbouring residential amenity and that the proposal complies with Local Plan policy BE3.

Parking and Highway Safety

The Town Council and members of the public have expressed significant concerns regarding the impact of the proposed amendments on parking. Concerns focus on inadequate parking provision and associated highway safety implications. However, it should be noted that these comments focus on the plans which showed that the loft space was to be converted into a fifth bedroom.

WCC Highways also raised concerns regarding the increase in number of bedrooms within the property, noting that the proposal would generate an increase in on-street parking within the Residents Permit Zone, further exacerbating the demand for on-street parking and affecting the safety or convenience of existing residents and occupiers. They requested that a parking survey was carried out to identify whether the additional parking could be accommodated within areas which are not controlled by permits within walking distance to the site.

The loft space has been labelled on the plans as a store. However, Officers are aware that the loft could easily be converted to a bedroom without the need for planning permission once constructed pursuant to the existing permission. In accordance with the Council's adopted Vehicle Parking Standards guidance, an increase from 4 to 5 bedrooms would not generate an increase in parking demand, therefore whilst WCC Highways have expressed concerns, there would technically be no increased demand in on-street parking.

Concern has also been expressed regarding construction vehicles and highway safety implications. This was a matter dealt with during the original application and a condition was imposed for the provision of a construction management plan prior to commencement of works. This will be carried forwards.

The parking provision and impact is considered to be acceptable and in accordance with Local Plan policy TR3.

Health and Wellbeing

There are no health and wellbeing benefits identified as part of the proposed amendments.

Other Matters

Members of the public have also raised concerns regarding concern regarding:

- the principle of the development;
- the distance between the proposed development and the public footpath;
- that an open space contribution should be required;

- the construction management plan is not being adhered to - concern regarding safety and asbestos removal;
- the property being used as a HMO.

The principle of the development was assessed as part of the original application and was considered to be acceptable. This cannot be revisited as part of this application.

The position of the dwelling was considered to be acceptable under the original application and will not change as part of the amendments.

Since the previous approval, the Council has amended the application of policy HS4 regarding the provision of contributions towards the improvement of local open spaces and only requires a contribution for developments of 11 or more new dwellings. As the proposal only provides one dwelling it would be unreasonable to carry forward condition 3 requiring the provision of an open space contribution from the original application.

Concern regarding the fact that the submitted construction management plan is not being adhered to is noted. This has been reported to Planning Enforcement who are looking into this matter. An updated construction management plan has been submitted by the agent for consideration.

Planning permission would not be required to convert the property into a small HMO (6 bedrooms or less - use class C4). In terms of vehicle parking requirements, it should be noted that if the property were used as a 6 bedroom HMO for example, the parking requirement would still be the same as the existing parking requirement for the site in accordance with the Council's Vehicle Parking Standards. Planning permission would be required to convert the property into a large HMO and the associated impacts would be assessed at this time.

Conclusion

The proposed variation of condition 2 to allow for alterations to the approved plans numbers is considered to be acceptable and would not cause harm to the street scene, neighbouring residential amenity or highway safety. The proposed amendments should therefore be granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from 8th December 2016 (the date of the original 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 amended drawings 5155/07 E and 5155/08 E, and specification contained therein, submitted on 5th November 2018.

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 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. The Development shall be carried out in strict accordance with the approved Construction Management Plan. **REASON:** To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy TR3 of the Warwick District Local Plan 2011 - 2029.
- 4 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 5 The proposed site shall be laid out and constructed in general accordance with drawing no. 5155/08 E. **REASON:** To ensure that there are adequate off street parking provision is made for the development hereby permitted, in accordance with Policy TR3 in the Local Plan and the Council's adopted Supplementary Planning Document on Vehicle Parking Standards.
- 6 The access to the site for vehicles shall not be used unless the public highway footway crossing has been widened, laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and to satisfy Policy TR1 in the Warwick District Local Plan 2011 - 2029.
- 7 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its whole length as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety and to satisfy Policy TR1 in the Warwick District Local Plan 2011 - 2029.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwellinghouse hereby permitted which falls within Part 1 Classes A, B, C, D, or E or Part 3, Class L. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties and to ensure that adequate parking is maintained at all times it is considered

important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011 - 2029.

- 9 The development shall not be occupied until the bat boxes shown on the approved drawings have been installed in accordance with the details submitted. Thereafter, the boxes shall be maintained in perpetuity.
REASON: In accordance with NPPF, ODPM Circular 2005/06 and policy NE2 of the Warwick District Local Plan 2011 - 2029.
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Planning Committee: 12 December 2018

Item Number: 7

Application No: [W 18 / 1942](#)

Town/Parish Council: Baginton

Case Officer: Rob Young

01926 456535 rob.young@warwickdc.gov.uk

Registration Date: 05/10/18

Expiry Date: 04/01/19

Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout.

Application for the variation of condition 13 of planning permission W16/0239 to allow for the occupation of the proposed UK Battery Industrialisation Centre facility either ahead of, or in parallel with, Jaguar Land Rover's occupation FOR Coventry and Warwickshire Development Partnership

This application is being presented to Committee due to an objection from Bubbenhall Parish Council having been received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission for the variation of this condition.

DETAILS OF THE DEVELOPMENT

The application proposes the variation of condition 13 of planning permission no. W16/0239 to allow for the occupation of the proposed UK Battery Industrialisation Centre facility either ahead of, or in parallel with, Jaguar Land Rover's occupation. Condition 13 currently requires the first 8,500 sq m of floorspace within the development to be occupied by Jaguar Land Rover.

The current wording of condition 13 is as follows:

The first 8,500 square metres (GFA) of floorspace within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 8,500 square metres of B1 floorspace within the technology campus.

The proposed revised wording for condition 13 is as follows:

With the exception of any floorspace to be occupied by UKBIC, The first 8,500 square metres (GFA) of floorspace within the development shall be occupied by Jaguar Land Rover. With the exception of any building to be occupied by UKBIC, no other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 8,500 square metres of B1 floorspace within the technology campus.

THE SITE AND ITS LOCATION

The application relates to a substantial site that adjoins the southern edge of Coventry, covering an area of 105 hectares. The site includes land between Coventry Airport and the A45, land within the approved Whitley Business Park to the north of the A45 and land within and adjacent to various highways including the A45, A46, A444, A4114 and Leaf Lane. The site straddles the boundary between Warwick District and Coventry.

PLANNING HISTORY

In April 2016 Planning Committee resolved to grant planning permission subject to the completion of a section 106 agreement for the following development: "Comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping (outline application discharging access with all other matters reserved)" (Ref. W16/0239). The section 106 agreement was completed and the planning permission was issued in July 2017.

Prior to that the application site had formed part of the proposed Coventry and Warwickshire Gateway development, for which planning permission was refused by the Secretary of State in 2015 (Ref. W12/1143).

Subsequent applications to vary the conditions on planning permission no. W16/0239 were approved in January 2018 (Refs. W17/1411 & W17/1631). These authorised the following amendments:

- changes to the approved parameters plan to include a reduction in the number and extent of 'zones' within the development area to provide additional flexibility for the distribution of floorspace;
- other changes to the parameters plan to allow for the maximum AOD height to be increased for the zones on the western side of the development area, with the increase in height varying between 0.5m and 8.7m AOD;
- revised timings for the submission of the masterplan and design code, to allow these to be submitted with reserved matters applications rather than requiring details to be approved in advance of the submission of reserved matters;
- the formation of an additional access into the development from Rowley Road; and
- to allow for site preparation and earthworks to be commenced prior to the submission of certain design details.

A further application to vary conditions 21 and 25 of planning permission no. W16/0239 is the subject of another item on this agenda (Ref. W18/2099).

In November 2018 reserved matters consent was granted for the UK Battery Industrialisation Centre (Ref. W18/1717).

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS8 - Employment Land (Warwick District Local Plan 2011-2029)
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- DS9 - Employment Sites to be Allocated (Warwick District Local Plan 2011-2029)
- DS16 - Sub-Regional Employment Site (Warwick District Local Plan 2011-2029)
- DS19 - Review of the Local Plan (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- TCP2 - Directing Retail Development (Warwick District Local Plan 2011-2029)
- TC17 - Local Shopping Facilities (Warwick District Local Plan 2011-2029)
- CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR5 - Safe Operation of Aerodromes (Warwick Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Open Space (Supplementary Planning Document - June 2009)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Warwickshire Landscape Guidelines SPG
- Draft Baginton and Bubbenhall Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Baginton Parish Council: No objection in principle to the variation of condition 13, but as Zone 4 forms part of the W/16/0239 application, approval of this variation cannot be used to circumnavigate the requirements to address ALL pre-commencement Conditions associated with the W/16/0239 application.

Bubbenhall Parish Council: Express serious concerns that this could set a precedent which would result in the continued erosion of the conditions imposed on W16/0239. The key justification for granting permission was that JLR had an essential and urgent need for research and development space in April 2016. Permission was not formally granted until July 2017 and has been followed almost immediately by applications to vary the conditions. It is very difficult to reconcile these actions with the claimed need for urgent and essential facilities for JLR. There is a real danger that continued erosion of the conditions imposed on it will result in a speculative development on the site, rather than a cohesive technology park centred on the region's primary automotive manufacturer.

Stoneleigh & Ashow Parish Council: The Parish Council takes a neutral position on this application.

Coventry Airport: No comment.

ASSESSMENT

The reason given for imposing the condition in question was as follows:

Since the particular requirements of Jaguar Land Rover form part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF.

At the time the condition was imposed, the site was within the Green Belt, and therefore planning permission was only granted on the basis of the very special

circumstances that had been put forward by the applicant. These were centred on the requirements of Jaguar Land Rover for additional floorspace in close proximity to their existing Whitley site and the significant economic benefits that this would bring.

The planning policy context for this site has subsequently changed with the adoption of the new Local Plan. This included the application site as part of an allocation for a sub-regional employment site. The new Local Plan also took the proposed development area out of the Green Belt. As a result, there is no longer the same policy imperative to insist on Jaguar Land Rover occupying the first 8,500 sq m of floorspace.

In addition, the UK Battery Industrialisation Centre is a significant research and development facility that is to be funded by the government. Therefore this facility would generate significant economic benefits in its own right. As such, there is no planning reason why the development of the UKBIC should be restricted.

With regard to the comments of Baginton and Bubbenhall Parish Councils, the proposed variation of this condition will not lessen the controls imposed by the other conditions on the outline permission. Furthermore, it would not dilute the economic benefits of the development.

SUMMARY / CONCLUSION

The proposed variation of condition would accord with current planning policies and would not reduce the economic benefits of the proposed development. Therefore it is recommended that planning permission is granted for the proposed variation.

CONDITIONS

- 1 Details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than demolition or ground works) is commenced:-
 - i) the layout of the phase and its relationship with existing adjoining development;
 - ii) the scale of the buildings;
 - iii) the appearance of the buildings; and
 - iv) the landscaping of the site.

REASON:

To comply with Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

- 2 Application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission.

REASON:

To comply with Section 92 of the Town & Country Planning Act 1990 (as amended).

- 3 The development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later.

REASON:

To comply with Section 92 of the Town & Country Planning Act 1990 (as amended).

- 4 Prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:
- i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in respect of the phasing of all transportation infrastructure;
 - ii) temporary access arrangements for vehicles and pedestrians in respect of each phase;
 - iii) car parking arrangements in respect of each phase;
 - iv) any interim surface, boundary treatment, external lighting or landscaping measures;
 - v) a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of further mitigation measures, if necessary); and
 - vi) a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

REASON:

To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies BE1, TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 5 In respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace shall be within the minimum and maximum limits set down in approved Parameters Plan drawing no. P16-0062-3E.

REASON:

To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies BE1 & TR2 of the

- 6 Any Reserved Matters application shall, where relevant to that phase of development:
- i) Demonstrate that the proposals accord with the approved Parameters Plan drawing no. P16-0062-3E and the principles set down in the Design & Access Statement Addendum forming part of the approved application documentation;
 - ii) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
 - iii) Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
 - iv) Identify locations for public art features;
 - v) Show the location of each pond;
 - vi) Include design principles in respect of layout, scale, appearance and landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
 - vii) Contain details on how permeability will be achieved in respect of the network of estate roads within the technology campus;
 - viii) Detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development.
 - ix) Include landscape design principles for the technology campus aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land.
 - x) Contain principles in respect of disabled access throughout the development and to/from buildings.
 - xi) Detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code.

REASON:

In the interests of urban design in accordance with Policies BE1 & HS7 of the Warwick District Local Plan 2011-2029.

- 7 The reserved matters to be submitted in accordance with Condition 1 for each phase 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 in that phase and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing no. P16-0062-3E forming part of the approved application documentation.

REASON:

In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do

not harm the living conditions of nearby dwellings, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

- 8 The reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such 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.

- 9 The gross floorspace of any unit the primary use of which falls within Class B1(a) of the Town & Country Planning (Use Classes) Order 1987 as amended erected under this permission shall not exceed 4999 square metres.

REASON:

To ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with EC1 of the Warwick District Local Plan 2011-2029.

- 10 No building approved under this permission used primarily for purposes falling within Class A1 of the Town & Country Planning (Use Classes) Order 1987 as amended (or in any Order revoking and re-enacting that Order) shall exceed 250 square metres gross internal floor area.

REASON:

To safeguard the shopping strategies of the local planning authorities and to accord with Government Guidance in the NPPF which seeks to direct large scale retailing to Town Centre locations.

- 11 No car showroom floorspace or floorspace falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 8,500 square metres (GFA) of floorspace falling within Use Class B1 of the said Order has been occupied within the technology campus.

REASON:

To ensure that the car showroom and other floorspace falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which primarily comprise the development approved under this permission in accordance with Policy TC2 of the Warwick District Local Plan 2011-2029.

- 12 No more than 10% of the total B1 floorspace shall be occupied for purposes falling within Class B1a of the Town & Country Planning (Use Classes) Order 1987 as amended.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety and to ensure that the development is primarily a technology campus in accordance with the identified need.

- 13 With the exception of any floorspace to be occupied by UKBIC, The first 8,500 square metres (GFA) of floorspace within the development shall be occupied by Jaguar Land Rover. With the exception of any building to be occupied by UKBIC, no other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 8,500 square metres of B1 floorspace within the technology campus.

REASON:

Since the particular requirements of Jaguar Land Rover formed part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF.

- 14 Any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. 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 the interests of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 15 No demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.

REASON:

To safeguard those trees to be retained in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 16 The existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

REASON:

To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 17 The construction of buildings and mounds within the technology campus shall be phased in strict accordance with the construction phasing plan (drawing no. 3924-1/004 P4).

REASON:

To ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 18 Prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

REASON:

To ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029.

- 19 The development hereby permitted shall not exceed 70,683 square metres (GFA). Such development shall not exceed the following thresholds in respect of the specified uses as defined in the Town & Country Planning (Use Classes) Order 1987 as amended:

- 56,766 square metres (GFA) of B1 floorspace;

- 4,645 square metres (GFA) of car showroom floorspace;
- 11,617 square metres (GFA) of hotel floorspace; and
- 2,300 square metres (GFA) of A1, A3, A4 and A5 floorspace.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 20 No development shall take place other than site preparation and earthworks until a scheme of traffic impact mitigation at the A46/A45/A444 Stivichall interchange, which shall comprise at least the following works, has been submitted to and approved in writing by the local planning authority:

- Signalisation of the on slip approach from the A444 to A45;
- Signalisation of the off slip west bound from the A45 and removal of segregated left turn lane;
- Realignment of traffic lanes on the circulatory carriageway;
- Realignment of kerbs on the approaches/circulatory carriageway.

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46A45(T) with the scope of this assessment to have been first agreed in writing by the local planning authority. The mitigation scheme approved under this condition shall be implemented in strict accordance with the approved details.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 21 No development shall take place other than site preparation and earthworks until the following details have first been submitted to and approved in writing by the local planning authority:

- Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;
- Full details of the proposed alterations to the A46 / Stoneleigh Road / Dalehouse Lane junction generally as illustrated on drawing number 15-0752-110;
- Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and
- Full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).
- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network.
- Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.
- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

Prior to the commencement of development, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 22 Prior to the commencement of development, other than site preparation and earthworks, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this

condition.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 23 Prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting the Strategic Road Network shall be submitted to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 24 No development shall commence other than site preparation and earthworks until full details of the site access provisions, in general accordance with drawing nos. THDA SK12 Rev C, THDA 15-0752 101 Rev 1 & THDA 15-0752 102 Rev 1, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 25 No development shall commence, other than site preparation and earthworks, until a scheme of mitigation for the A46/Stoneleigh Road/Dalehouse Lane Interchange, in general accordance with drawing no. THDA 15-0752 110, has been submitted to and approved in writing by the local planning authority. Thereafter the mitigation scheme shall be implemented in strict accordance with the approved details and permanently retained thereafter.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 26 No construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and

manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 27 Access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 28 No development shall commence other than site preparation and earthworks until details of the proposed accesses onto Rowley Road have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 29 No construction shall commence on site until a detailed Highway Improvement Works Phasing Plan and Construction Sequence Programme/Timetable, linked to the extent of built floor space, and generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 and PHP Architects Construction Phasing Plan Including Highways and Earthworks 3924-1 004 rev P3 has been submitted to and approved in writing by the local planning authority. Thereafter the phasing of development shall be undertaken in full accordance with these approved details.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 30 No more than 46,450 square metres (GFA) of development falling within Use Class B1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation and is opened to traffic.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 31 The construction of any highway structure as identified on TH:DA Drawing No. 15-0752 140 (Structures Location Plan) shall be undertaken only in full accordance with details, which shall include an approval in principle report, which have previously been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 32 No highway works approved as part of the development shall be undertaken unless and until:
- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
 - ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 33 Street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycleways in full accordance with details previously submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway, pedestrian and cyclist safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 34 At all times following the completion and opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network.

REASON: In the interests of promoting the free flow of traffic in

accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 35 No building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:
- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
 - ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
 - iii) Covered cycle and motorcycle parking; and
 - iv) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

REASON:

In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029.

- 36 The number of car parking spaces to be provided within the application site in respect of the development hereby permitted shall not exceed 2,500, of which a maximum of 500 shall be allocated for visitors and no more than 2,000 for the employees of the development. Provided the above limits are not exceeded, car parking shall be provided in accordance with the standards for low accessibility zones set out in the Council Vehicle Parking Standards Supplementary Planning Document.

REASON:

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029.

- 37 Prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy.

REASON:

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029.

- 38 The reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

REASON:

To promote sustainable transport choices in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 39 No development other than site preparation and earthworks shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- i) Full drainage calculations for a range of events (Microdrainage windes or similar)
- ii) Construction details for the ponds/swales
- iii) Details of how the scheme will be maintained and managed after completion.

REASON:

To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029.

- 40 The development hereby permitted (other than site preparation and earthworks) shall not be commenced until such time as a scheme to provide details of the proposed bridges and bridge extensions has been submitted to, and approved in writing by, the local planning authority. The scheme shall include construction details, details of bridge openings and details of any floodplain compensatory works. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements in the scheme, or any alternative arrangements as may subsequently be agreed, in writing, by the local planning authority.

REASON:

To ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 41 The development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (dated 15/01/16, ref: WHI-BWB-EWE-XX-RP-EN-0001_FRA Rev C, prepared by BWB Consulting) and the following mitigation measures detailed within the Flood Risk Assessment:
- Finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm above average surrounding ground level as recommended in Table 5.1.
 - Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m³.
 - Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m³.

REASON:

To ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 42 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 or the bridge and embankment floodplain compensation areas as delineated on drawing ref: WHI-BWB-EWE-XX-SK-EN-0010, S2, rev P1 (Masterplan showing Flood Zones).

REASON:

To ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 43 The reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.

REASON:

To ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with FW2 of the Warwick District

Local Plan 2011-2029.

- 44 No development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe, has been submitted to and agreed in writing by the local planning authority. This should include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall be implemented in accordance with the approved scheme.

REASON:

To ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF.

- 45 For the duration of highway construction works on Rowley Road and thereafter at all times following the completion of those highway works access for the Midland Air Museum to and from Rowley Road shall be maintained in accordance with details submitted to and approved in writing by the local planning authority.

REASON:

To safeguard this cultural facility.

- 46 The development hereby permitted shall not be commenced on the site occupied by Trinity Guild RFC unless and until:
- i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities have been provided for the club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England and;
 - ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

REASON:

To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord with the NPPF.

- 47 No development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority.

REASON: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 48 No part of the development hereby permitted shall be occupied until:
- i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have been submitted to and approved in writing by the local planning authority; and
 - ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to that part.

REASON:

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029.

- 49 No part of the development hereby permitted shall be occupied until ANPR cameras have been provided in accordance with a scheme submitted to and approved in writing by the local planning authority. The ANPR equipment shall comply with the ACPO ANPR standards and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter.

REASON:

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029.

- 50 Fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the local planning authority and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications.

REASON:

In the interests of amenity in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029.

- 51 Noise arising from any plant or equipment within the application site,

when measured one metre from the façade of any residential property, 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 protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 52 None of the buildings hereby permitted shall be first occupied until:
- i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
 - ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

REASON:

To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 53 The Construction Management Plan to be submitted under Condition 26 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

REASON:

In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies BE3, TR1, TR2 & NE5 of the Warwick District Local Plan 2011-2029.

- 54 No development shall take place on any phase of development until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

REASON:

To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy TR2 of the Warwick

- 55 No development shall take place on any phase of the development until:

- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
- ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;
- iii) 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 and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall thereafter be implemented in full and all development of the site shall accord with the approved method statement.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 56 If, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 57 No phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning

authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 58 No recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:
- i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and
 - ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 59 No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON:

To protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 60 Construction work shall not begin on any phase of the development hereby permitted 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 District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

REASON:

In the interests of fire safety in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 61 No development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

REASON:

To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029.

- 62 No work shall commence on any of the buildings permitted under this outline planning permission and any subsequent reserved matters approval unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials, has been submitted to and approved in writing by the local planning authority. No building shall be first occupied until all the works within this scheme in respect of that building have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

REASON:

To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy CC3 of the Warwick District Local Plan 2011-2029.

Planning Committee: 11 December 2018

Item Number: **8**

Application No: [W 18 / 1971](#)

Town/Parish Council: Leamington Spa

Case Officer: Dan Charles

01926 456527 dan.charles@warwickdc.gov.uk

Registration Date: 08/10/18

Expiry Date: 03/12/18

2 Greatheed Road, Leamington Spa, CV32 6ES

Change of use from single dwellinghouse (Use Class C3) to a 4 bedroom House in Multiple Occupation (Use Class C4) (retrospective application) FOR Mr P Lightfoot

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

RECOMMENDATION

It is recommended that Planning Committee grant planning permission, subject to the conditions listed at the end of the report.

DETAILS OF THE DEVELOPMENT

The proposal is a retrospective application for the change of use from a single dwelling to a 4 bedroom Housing in Multiple Occupation (HMO).

No physical changes are required to either the internal layout or external appearance of the building.

THE SITE AND ITS LOCATION

The application relates to a two storey end of terraced dwelling situated on the north-western side of Greatheed Road. The property runs parallel to the Rugby Road and has two points of access, one directly from Rugby Road to the eastern end of the road and from a junction with Gaveston Road that links to Rugby Road at the western end of Greatheed Road.

Greatheed Road is a street of Victorian terraced dwellings situated within the Leamington Spa Conservation Area. Within the street scene, the predominant character is of existing two storey dwellinghouses. In addition, an existing school spans a significant length of the frontage on the southern side of Greatheed Road.

There are rear outbuildings to a number of the properties in Greatheed Road, including the neighbouring dwellings. The application property backs-on to a gated rear access that gives access to the rear of the properties along Greatheed Road. Beyond this access are the rear gardens of dwellings in Wheathill Close. This area is accessed by a length of highway extending the length of the plot of

2 Greatheed Road. The side elevation of the application property flanks this road. The road also serves a range of outbuildings located to the rear of dwellings that front onto Northumberland Road.

PLANNING HISTORY

W/10/0211 – Loft conversion for bedroom – GRANTED 28.06.2010

W/05/1911 - Change of use from ground floor crèche/ nursery (D1) use and first floor flat to a single dwelling house – GRANTED 03.01.2006

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection - One on site parking space is insufficient and does not comply with the WDC Parking Standards. Possibility of four cars at the property that would add to on-street parking pressures which are already significant in the area.

WDC Private Sector Housing: Make the following comments;

- I am guessing there is a disused cellar to this property, but no plans shown. It would need to provide 30 minutes separation to the ground floor and have a 30 minute door at ground floor level.
- If this HMO is let on a shared house basis, i.e. a company let with all persons on a single contract, I would expect to see an L3 (escape route + kitchen + lounge) Grade D fire alarm to BS5839 Part 6.
- All doors to the escape route should be FD30SCS standard.
- No licence is required so long as less than 5 persons.
- The kitchen and bathroom facilities would be adequate for the number of occupiers.
- The floor areas of the rooms are not specified, but would need to achieve 6.5 sq.m.

WCC Highways: Having undertaken a full assessment of the development proposals, the Highway Authority considers it unlikely that the development proposals will have a detrimental impact on public highway safety, or on the capacity or operation of the local highway network. Therefore, the response of Warwickshire County Council as the Local Highway Authority to the above application is one of no objection.

Public Response:

A total of 93 letters of objection have been received on the following grounds;

- Violates local and national policies.
- Not consistent with WDC's parking standards.
- Adds to existing parking problem.
- Parking survey shows that parking is grossly over-subscribed.
- Highway Safety implications due to nearby school.
- Increased risk of anti-social behaviour.
- Harm to character of the road as private residences.
- Harm to the character of the Conservation Area.
- Increase litter problems due to poor waste management.
- Potential deterioration in maintenance levels and appearance.
- Additional fear of crime issue due to use as HMO.
- Property has already been burgled twice.
- Restricts access for emergency vehicles.
- Increased fire risk.
- Additional noise disturbance.
- No mechanism to control future tenancies.

A total of 3 letters of support have been received on the following grounds;

- No argument for refusal.
- Well below the 10% threshold of H6.
- Parking is no different to many other streets.
- Policy must be applied consistently.
- Could not defend a refusal at appeal.
- North Leamington should take its share of meeting demand for HMO's.
- Parking survey is irrelevant as it was done whilst the property was already operating as an HMO.
- Does not breach the up to date parking standards as a 4 bed dwelling requires 3 spaces and a 4 bed HMO requires 2 spaces.
- The NPPF and Local Policies promote mixed and balanced communities.

A total of 5 letters of comment have been received highlighting the following matters;

- Access to adjacent properties sometimes blocked by parked cars.
- All existing houses in street are single family homes.
- Proposal does not breach Policy H6 and to resist development would undermine the credibility of the Policy.
- Cannot see how 1 HMO in 130+ properties can be harmful.
- Property has operated for some time so cannot see how parking and waste issues would be exacerbated.

- Gaveston Road parking survey showed parking at 101% of legal parking capacity so is not "grossly over-subscribed" as stated.
- Have sympathy with school parking issues but this is limited duration at the start/end of the day and is term-time only.
- Whilst operating without planning permission is frustrating, it cannot be a reason to refuse if all matters are acceptable as is the case here.

ASSESSMENT

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

- Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area;
- The impact on the living conditions of neighbouring dwellings;
- Car parking and highway safety;

Whether the proposals would cause or add to a harmful over-concentration of HMOs in this area

In terms of national policy, Paragraph 61 of the National Planning Policy Framework (NPPF) requires the Council to plan to create inclusive and mixed communities.

Paragraph 127 requires the Council to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Policy H6 of the Local Plan states that planning permission will only be granted for Houses in Multiple Occupation (HMOs) where:-

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Assessment

- a) Within a 100 metre radius there is only 1 other HMO out of 43 residential units. The existing concentration level is at 2.33%. The addition of one further HMO would result in a concentration level of 4.76%. The proposal is therefore not in breach of the 10% limit of HMOs within a 100 metre radius.
- b) The nearest bus stop is located on the Rugby Road which is approximately 145 metres from the property and is therefore well within 400 metres walking distance threshold.

- c) The existing property does not sandwich a non-HMO between another HMO.
- d) It does not lead to a continuous frontage of HMOs
- e) The property has a rear access way which means the bins can be stored in the rear garden and moved to the appropriate location on collection day.

The objections received are noted, however, the proposal complies with all of the criteria contained within Policy H6 of the Local Plan and therefore it is considered that the proposal will not lead to an over concentration of HMOs within the area and will not result in material harm to the more settled residents of the area through increased noise and anti-social behaviour.

Impact on visual amenity and the character of surrounding area and Royal Leamington Spa Conservation Area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The property retains the appearance of a single, end-terrace dwelling which is in keeping with the local street scene and surrounding area. The use of the premises as an HMO would not affect the visual amenity or character of the surrounding area.

It is acknowledged that the occupation of the premises as an HMO would potentially differ from that of a private dwellinghouse. However, the operation of a single HMO in this location is not considered to result in any change to the overall character of the area.

Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments 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 development proposal is for the change of use of the existing four-bed dwelling to a four-bed House in Multiple Occupation (HMO). The updated Parking Standards SPD (June 2018) stipulates that a four bedroom dwelling has a requirement to provide a total of three off-street car parking spaces. In the same standards, the requirement for a four bedroom HMO is to provide two off-street car parking spaces on the basis of one space per two bedrooms.

There is a single off-street car parking space to the rear of the application site and this parking space would remain to serve the HMO.

Despite a shortfall in the level of parking proposed to serve the proposed HMO, it is a reduction in the level of parking that would be required for the existing dwelling, which could reduce the demand for on-street parking within the vicinity of the application site.

The County Highways Authority in providing their response to the application note that there are no on-street parking restrictions in place along Greatheed Road, and there is an access road adjacent to the application site which could also accommodate on-street parking.

The proposal is therefore considered acceptable in respect of Policy TR1.

Private Sector Housing

The proposal meets the requirements set out by Private Sector Housing and they raise no objection.

Conclusion

The proposed development accords with the provisions of Local Plan Policy H6 relating to the provision of Houses in Multiple Occupation.

There are no site specific criteria that would affect the development. There is no technical objection from the County Highways Officer in terms of parking or highway safety that would outweigh the grant of planning permission. Adequate facilities are available within the site for the storage of waste.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing titled 'proposed floor plans', and specification contained therein, submitted on 8 October 2018 and 24 October 2018.
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.

Planning Committee: 11 December 2018

Item Number: 9

Application No: W 18 / 1998

Registration Date: 15/10/18

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall
Case Officer: Rebecca Compton
01926 456544 rebecca.compton@warwickdc.gov.uk

Expiry Date: 10/12/18

The Bungalow, Honiley Road, Beausale

Variation of condition 2 (approved drawing numbers) of planning permission ref: W/17/1639 - "Demolition of existing bungalow and construction of 2no. detached dormer bungalows; Formation of one new access to the highway" to allow for an amended house type which includes a single storey rear extension to plot 2. FOR Forte Projects Ltd.

This application is being presented to Committee due to an objection from the Parish Council having been received.

RECOMMENDATION

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This is an application to vary a condition attached to the previous planning permission which approved the demolition of a bungalow and the erection of two dwellings. The relevant condition is Condition 2 (approved plans) and the variation seeks the approval of an amended house type which incorporates a single storey rear extension to Plot 2 (Oak House).

In determining such an application the Local Planning Authority can only consider the specific amendments being sought, i.e. the addition of a single storey rear extension. The principle of development cannot be re-considered as this remains acceptable as per the original permission.

THE SITE AND ITS LOCATION

The application site lies within the village boundary of Beausale. The site is washed over by Green belt, but Beasale is designated as a Limited Infill Village in the Local Plan. Access is taken off Honiley Road and leads into the site which was originally occupied by a detached bungalow. Planning permission was granted in 2017 to demolish the original bungalow and construct two dwellings in its place, the bungalow has now been demolished and both dwellings (plots 1 & 2) are now in the latter stages of construction.

RELEVANT PLANNING HISTORY

W/17/1639 - Demolition of existing bungalow and construction of 2no. detached dormer bungalows. Formation of one new access to the highway - Granted

W/18/1826 - Variation of condition 2 (approved drawing numbers) of planning permission ref: W/17/1639 - *"Demolition of existing bungalow and construction of 2no. detached dormer bungalows; Formation of one new access to the highway"* to allow for an amended house type which includes a single storey rear extension to **plot 1** - Granted

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Beausale, Honiley Parish Council: Object.

Public response: One letter of objection has been received on the grounds of the design and an existing enforcement case regarding the existing rear dormers. One letter of support has been received on the grounds that the proposal represents appropriate development in the Green Belt and a similar scheme has been granted on the adjacent plot.

ASSESSMENT

The previously approved permission is extant and since there is no requirement to re-assess the principle of development through a section 73 application, the main issues in the determination of this application are considered to be:

- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified.
- Impact on neighbours
- Design

Whether the proposal constitutes appropriate development in the Green Belt

Policy DS18 of the Local Plan states that the Council will apply national planning policy to development proposals within the Green Belt. The erection of new buildings is inappropriate development in the Green Belt, however, paragraph 145 of the NPPF lists exceptions to inappropriate development in the Green Belt, including limited infilling in villages.

Policy H11 of the Local Plan relates specifically to Limited Village Infill housing development in the Green Belt stating that it will be permitted where the site is located within a designated Limited Infill Village and the following criteria are satisfied:

- a) The development is for no more than two dwellings;
- b) The development comprises the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene; and
- c) The site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.

This application seeks approval for an amended house design that includes an additional single storey rear element to the originally approved design. Local and National policies place no limit on the size of an infill development provided that the development is in keeping with the character and appearance of the local area. Therefore in Green belt terms, it is considered that the addition of a single storey rear element is in accordance with the NPPF and Local Plan Policy H11 and is considered to constitute appropriate development in the Green Belt.

Visual impact / character of area (including impact on the Green Belt)

Policy BE1 of the Local Plan states that new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to

demonstrate that they (inter alia) harmonise with the existing settlement in terms of physical form, patterns of movement and land use, relate well to local topography and landscape features, reflect, respect and reinforce local architectural distinctiveness and respect surrounding buildings in terms of scale, height, form and massing. There are a number of other criteria listed within the policy which new development is expected to be able to demonstrate however for the purposes of assessing this application, the aforementioned principles are the most relevant.

An amended house type of the same design has been recently approved on the adjacent plot that formed the other half of the original planning permission for this site. These properties were originally designed as a mirrored pair. On the grounds that the same proposal has been approved to the adjacent property on this site (Beech House), the proposed amended house type for the application property (Oak House) is considered to be appropriate in terms of design and scale when read in context with the adjacent property. It also considered that this proposal would further support these two properties as a mirrored pair.

The proposed single storey rear addition to the originally approved design will increase the plan depth of the new dwelling from 11m (as originally approved) to 17m. The buildings in the immediate vicinity of the application site are typically large detached dwellings, 'Orchard Bungalow' which sits adjacent to the south side, has a plan depth of 17m (including a front projection) which is comparable to proposal. 'Briardene' which is situated north of the site has a plan depth of 20m, therefore the increase in plan depth arising from the proposed single storey addition is considered to be in keeping with the character of the local area.

The proposed single storey addition will be situated fully to the rear and therefore views from the wider street scene would be minimal. In addition the approved dwelling is set back over 20m from the highway and therefore any wider views of the extension would not be read as part of the street scene. The single storey addition will be constructed in brick to match the existing building and is considered of an appropriate design that compliments the existing structure. The dwelling will sit comfortably within the plot and therefore the amended design is considered appropriate in design terms.

Overall, the amended design of Plot 2 in terms of its scale and appearance within this site is considered to be visually in keeping with the general character and appearance of the surrounding area and the development is not considered to result in demonstrable harm to the visual amenities of the locality or the appearance of the immediate street scene. The proposal is therefore considered in accordance with Policy BE1.

Impact on neighbouring / residential amenity

The single storey addition will not breach the Council's adopted 45° line from the new dwelling approved on Plot 1 which forms part of the original planning permission for this site. A new dwelling has been approved between Briardene to the north of the site and the application property, this dwelling is currently in the early stages of construction and the proposed extension will not breach the Council's adopted 45° line from this new dwelling.

The development is therefore considered to comply with Policy BE3 of the Local Plan.

Summary/Conclusion

The amended design of Plot 2 which incorporates a single storey extension is considered to constitute appropriate development in the Green Belt which would not result in material harm to the character and appearance of the street scene or the amenity of nearby neighbouring properties. In addition the same design has recently been approved to the adjacent plot and is therefore considered to be appropriate in terms of design and scale when read in the context with this property.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3467-P4, 3467-P5, 3467-P6, and specification contained therein, submitted on 15 October 2018. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping shall

include any replacement planting proposed within the site and/or around the perimeter of the site and at least in relation to the frontage boundary to replace planting removed. Details of hard landscaping works shall include boundary treatments, including full details of any proposed boundary walls, railings and/or gates to be erected, specifying the colour of any railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. 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 and NE4 of the Warwick District Local Plan 2011-2029.

- 4 No part of the development hereby permitted shall be commenced (including demolition, site clearance or other preparatory works) and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 5 No part of the development hereby permitted, including site clearance, shall be commenced until until a combined ecological and landscaping scheme has been submitted to and agreed in writing by the Local

Planning Authority (in conjunction with WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree/wildflower planting and installation of bird and bat boxes. The agreed scheme shall thereafter be fully implemented before and during development of the site as appropriate. **REASON:** To ensure a net biodiversity gain in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to check all suitable features in the roof of the buildings to be demolished and to check all trees to be removed for bats and nesting birds immediately prior to works commencing. All roofing material is to be subsequently removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. If nesting birds are found the works cannot commence until the young have fledged. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 7 The development shall not be occupied until visibility splays have been provided to the vehicular accesses to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the near edge of the public highway carriageway, in accordance with drawing no. 3103-08. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 8 The development shall not be occupied until the accesses to the site have been positioned and laid out in accordance with drawing no. 3103-08. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 9 The accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interests of

highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 10 The accesses to the site for vehicles shall not be used unless public highway verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority.
REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
 - 11 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029.
 - 12 The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
REASON: In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
-

Planning Committee: 12 December 2018

Item Number: 10

Application No: [W 18 / 2099](#)

Town/Parish Council: Baginton

Case Officer: Lucy Hammond

01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 05/11/18

Expiry Date: 04/02/19

Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout.

Variation of conditions 21 and 25 of planning permission W/16/0239 (outline application for the comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (B1), hotel accommodation (C1), car showroom accommodation, small scale retail and catering establishments (A1, A3, A4 and/or A5), new countryside park, ground modelling work, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping) to allow changes to the specific wording of both conditions to reflect the nature of recent highway works to the Interchange being undertaken. FOR Coventry and Warwickshire Development Partnership

This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a legal agreement.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure payments up to a total agreed maximum sum to the County Council (£5,022,000) to enable the delivery of their own scheme of works to the A46/Stoneleigh Road/Dalehouse Lane Interchange.

Should a satisfactory Section 106 Agreement not have been completed by 4 February 2019, Planning Committee are recommended to delegate authority to the Head of Development Services 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 a planning application which seeks to vary condition 21 and remove condition 25 from the original permission W/16/0239. Both conditions were originally imposed as recommended by the County Highways Authority and Highways England.

Condition 21 requires a significant level of detail to be submitted to satisfy four specific items. One of these items (i) relates to works aligning with the Toll Bar End Improvements scheme, seeking full details of the works to be submitted and approved by the Local Planning Authority. Following the grant of outline permission extensive background work has been undertaken on the designs for the Whitley South development infrastructure. This design process, alongside close consultation with Highways England regarding the wider discharge of conditions and technical approval processes, has identified that the specific interim works to Siskin Drive at Toll Bar Island shown on the General Arrangement Drawing are no longer required. This is due to changes in the programme that will now allow the main site access to be completed earlier than anticipated, obviating the need for short term alterations to Siskin Drive. A revised strategy is therefore now proposed and the variation of the wording of Condition 21 (i) would allow for the revised strategy at Toll Bar End to be implemented.

Condition 25 requires the submission and approval of a scheme of mitigation for the A46/Stoneleigh Road/Dalehouse Lane Interchange (the Interchange). Since the outline permission was granted however, the context for the Interchange has changed significantly and Warwickshire County Council is now advancing their own scheme of works to the Interchange, which supersedes the proposed scheme as set out in the outline permission. It is therefore proposed to remove this condition from the permission and substitute this with a Section 106 Agreement to secure a financial contribution towards the County Council's scheme for this junction.

Lastly Condition 21 (ii) duplicates the requirements of condition 25 and it is therefore proposed to remove this element from the condition.

As approved, the part of Condition 21 that is proposed to be amended reads as follows:

No development shall take place other than site preparation and earthworks until the following details have first been submitted to and approved in writing by the local planning authority:

- i) Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;*
- ii) Full details of the proposed alterations to the A46 / Stoneleigh Road / Dalehouse Lane junction generally as illustrated on drawing number 15-0752-110;*
- iii) Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and*
- iv) Full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.*

The revised part of Condition 21 reads as follows:

No development shall take place other than site preparation and earthworks until the following details have first been submitted to and approved in writing by the local planning authority:

- i) Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 and as amended by Toll Bar Junction Drawing 15-0752-107 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;*
- ii) Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and*
- iii) Full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.*

The extent of the development area, and overall quantum of development approved by the original outline remains unchanged.

THE SITE AND ITS LOCATION

The application relates to a substantial site that adjoins the southern edge of Coventry, covering an area of 105 hectares. The site includes land between Coventry Airport and the A45, land within the approved Whitley Business Park to the north of the A45 and land within and adjacent to various highways including the A45, A46, A444, A4114 and Leaf Lane. The site straddles the boundary between Warwick District and Coventry.

PLANNING HISTORY

There is extensive history related to this site and the wider surrounding area. However, the references summarised below are directly relevant to this part of the site and are relevant to the conditions being varied as part of this latest application:

W/16/0239 - Comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping (outline application discharging access with all other matters reserved) – Approved 10.07.2017

W/17/1411 - Application for the variation of conditions 11, 20-26, 28, 39, 40 and 61 of planning permission no. W16/0239 to clarify the work than can proceed on site prior to the approval of certain design details (specifically allowing site preparation and earthworks to be commenced as soon as possible). Planning permission no. W16/0239 was for a comprehensive development comprising offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom

accommodation and small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5) – Approved 18.01.2018

W/17/1631 - Application for the variation of conditions 5, 6, 7 & 28 of planning permission no. W16/0239 to provide for changes to the approved parameters plan, revised timings for the submission of the master plan and design code and an additional access onto Rowley Road. Planning permission no. W16/0239 was for a comprehensive development comprising offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation and small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5) – Approved 18.01.2018

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS8 - Employment Land (Warwick District Local Plan 2011-2029)
- DS9 - Employment Sites to be Allocated (Warwick District Local Plan 2011-2029)
- DS16 - Sub-Regional Employment Site (Warwick District Local Plan 2011-2029)
- DS19 - Review of the Local Plan (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- TCP2 - Directing Retail Development (Warwick District Local Plan 2011-2029)
- TC17 - Local Shopping Facilities (Warwick District Local Plan 2011-2029)
- CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- TR5 - Safe Operation of Aerodromes (Warwick Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS2 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)

- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- HE4 - Archaeology (Warwick District Local Plan 2011-2029)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Warwickshire Landscape Guidelines SPG
- Neighbourhood Plan
- Baginton & Bubbenhall Neighbourhood Plan 2018-2029

SUMMARY OF REPRESENTATIONS

Stoneleigh & Ashow Parish Council: The Parish Council has a neutral position on this application.

WCC Highways: No objection subject to the completion of a revised legal agreement as drafted and agreed between by both parties (Warwickshire County Council and Coventry & Warwickshire Development Partnership).

Highways England: Advise that they are generally supportive of the changes in relation to the A46 / Stoneleigh Road Interchange, however they have requested some detailed changes and clarifications in relation to the draft Section 106 agreement. Until such time that a suitable Section 106 agreement has been finalised and signed, they will not be in a position to recommend approval for the variation of conditions application.

The proposed changes in relation to the Siskin Drive junction are welcomed in principle, subject to a re-evaluation of the traffic evidence which considers the operation of the development and site access both in combination and without this scheme. A short technical note is requested to address this.

As a result, Highways England recommend that planning permission not be granted for period of up to 3 months to allow discussions to continue and for additional information to be submitted.

ASSESSMENT

There is one main issue relevant to the consideration of this development, which relates explicitly to highway safety and whether or not the variation of conditions as proposed would still be acceptable in highway safety terms.

Impact on highway safety

The background to the variations, as proposed, is set out in full in the details of development section in this report. By way of a summary however, it is proposed to vary condition 21 and remove condition 25 from the original outline permission (W/16/0239), both of which relate to an improvement required at the A46/Stoneleigh Road/Dalehouse Lane junctions. Condition 21 would be partly amended to reflect an additional approved drawing number, and partly removed where it duplicates the requirements of condition 25. Condition 25, which is negated due to the County Council advancing their own scheme of works to the Interchange, would be removed.

It should be noted that condition 21 relates to a network that Highways England are responsible for, and condition 25 is for the aforementioned junctions that Warwickshire County Council is predominantly responsible for.

However, the A46 is the point at which the network responsibility for each highway authority meet, and therefore the two highways authorities work closely together to ensure that the network operates as efficiently as possible, and as such any improvements have to be acceptable and agreed by both highway authorities.

The Highways Authority, in undertaking a full assessment of the planning application, has raised no objection to the proposed variations, providing that the grant of any new permission is subject to the revised S.106 legal agreement which relates to the funding of highway works at the A46/Stoneleigh Road/Dalehouse Lane junctions.

The applicant has submitted further information to address the issues raised by Highways England. A further response is awaited from Highways England, but it is anticipated that the further information will be sufficient to address the issues raised, none of which related to points of principle. An update on this will be provided in the addendum report to Committee.

Therefore, subject to receiving a favourable response from Highways England, it is considered that the proposed variations to the specified conditions are acceptable and would not result in further detriment to highway safety. The proposals therefore remain in accordance with Policies TR1 and DM1 of the Warwick District Local Plan.

SUMMARY / CONCLUSION

Since this is an application to vary conditions imposed on an earlier permission it is not necessary to reconsider the principle of development again. Instead, only the specific impacts resulting from the proposed variations need to be

considered, which in this instance relate to highway safety and the impacts on the surrounding road infrastructure.

Since the proposed variations to the conditions are as a direct result of circumstances surrounding the Interchange changing since the original outline permission was granted and Warwickshire County Council are now progressing their own scheme of improvement works, the proposals are considered to be acceptable subject to the completion of an updated legal agreement, agreed by all relevant parties, which seeks to secure the payment of monies necessary to enable the delivery of their scheme.

For these reasons, and subject to the revised conditions and completed legal agreement it is therefore recommended that planning permission be approved.

CONDITIONS

- 1 Details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than demolition or ground works) is commenced:-
 - i) the layout of the phase and its relationship with existing adjoining development;
 - ii) the scale of the buildings;
 - iii) the appearance of the buildings; and
 - iv) the landscaping of the site.

REASON:

To comply with Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

- 2 Application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission.

REASON:

To comply with Section 92 of the Town & Country Planning Act 1990 (as amended).

- 3 The development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later.

REASON:

To comply with Section 92 of the Town & Country Planning Act 1990 (as amended).

- 4 Prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:

- i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in respect of the phasing of all transportation infrastructure;
- i) temporary access arrangements for vehicles and pedestrians in respect of each phase;
- ii) car parking arrangements in respect of each phase;
- iii) any interim surface, boundary treatment, external lighting or landscaping measures;
- iv) a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of further mitigation measures, if necessary); and
- v) a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

REASON:

To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies BE1, TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 5 In respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace shall be within the minimum and maximum limits set down in approved Parameters Plan drawing no. P16-0062-3E.

REASON:

To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies BE1 & TR2 of the Warwick District Local Plan 2011-2029.

- 6 Any Reserved Matters application shall, where relevant to that phase of development:
 - vi) Demonstrate that the proposals accord with the approved Parameters Plan drawing no. P16-0062-3E and the principles set down in the Design & Access Statement Addendum forming part of the approved application documentation;
 - i) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
 - ii) Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
 - iii) Identify locations for public art features;

- iv) Show the location of each pond;
- v) Include design principles in respect of layout, scale, appearance and landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
- vi) Contain details on how permeability will be achieved in respect of the network of estate roads within the technology campus;
- vii) Detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development.
- viii) Include landscape design principles for the technology campus aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land.
- ix) Contain principles in respect of disabled access throughout the development and to/from buildings.
- x) Detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code.

REASON:

In the interests of urban design in accordance with Policies BE1 & HS7 of the Warwick District Local Plan 2011-2029.

- 7 The reserved matters to be submitted in accordance with Condition 1 for each phase 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 in that phase and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing no. P16-0062-3E forming part of the approved application documentation.

REASON:

In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

- 8 The reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such 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.

- 9 The gross floorspace of any unit the primary use of which falls within Class B1(a) of the Town & Country Planning (Use Classes) Order 1987 as amended erected under this permission shall not exceed 4999 square metres.

REASON:

To ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with EC1 of the Warwick District Local Plan 2011-2029.

- 10 No building approved under this permission used primarily for purposes falling within Class A1 of the Town & Country Planning (Use Classes) Order 1987 as amended (or in any Order revoking and re-enacting that Order) shall exceed 250 square metres gross internal floor area.

REASON:

To safeguard the shopping strategies of the local planning authorities and to accord with Government Guidance in the NPPF which seeks to direct large scale retailing to Town Centre locations.

- 11 No car showroom floorspace or floorspace falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 8,500 square metres (GFA) of floorspace falling within Use Class B1 of the said Order has been occupied within the technology campus.

REASON:

To ensure that the car showroom and other floorspace falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which primarily comprise the development approved under this permission in accordance with Policy TC2 of the Warwick District Local Plan 2011-2029.

- 12 No more than 10% of the total B1 floorspace shall be occupied for purposes falling within Class B1a of the Town & Country Planning (Use Classes) Order 1987 as amended.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety and to ensure that the development is primarily a technology campus in accordance with the identified need.

- 13 The first 8,500 square metres (GFA) of floorspace within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 8,500 square metres of B1 floorspace within the technology campus.

REASON:

Since the particular requirements of Jaguar Land Rover form part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF.

- 14 Any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. 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 the interests of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 15 No demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.

REASON:

To safeguard those trees to be retained in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 16 The existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces).

REASON:

To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.

- 17 The construction of buildings and mounds within the technology campus shall be phased in strict accordance with the construction phasing plan (drawing no. 3924-1/004 P4).

REASON:

To ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 18 Prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

REASON:

To ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029.

- 19 The development hereby permitted shall not exceed 70,683 square metres (GFA). Such development shall not exceed the following thresholds in respect of the specified uses as defined in the Town & Country Planning (Use Classes) Order 1987 as amended:

- 56,766 square metres (GFA) of B1 floorspace;
- 4,645 square metres (GFA) of car showroom floorspace;
- 11,617 square metres (GFA) of hotel floorspace; and
- 2,300 square metres (GFA) of A1, A3, A4 and A5 floorspace.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 20 No development shall take place other than site preparation and earthworks until a scheme of traffic impact mitigation at the A46/A45/A444 Stivichall interchange, which shall comprise at least the following works, has been submitted to and approved in writing by the local planning authority:

- Signalisation of the on slip approach from the A444 to A45;
- Signalisation of the off slip west bound from the A45 and removal of segregated left turn lane;
- Realignment of traffic lanes on the circulatory carriageway;
- Realignment of kerbs on the approaches/circulatory carriageway.

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46A45(T) with the scope of this assessment to have been first agreed in writing by the local planning authority. The mitigation scheme approved under this condition shall be implemented in strict accordance with the approved details.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 21 No development shall take place other than site preparation and earthworks until the following details have first been submitted to and approved in writing by the local planning authority:
- Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 and as amended by Toll Bar Junction Drawing 15-0752-107 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;
 - Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and
 - Full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).
- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network.
- Independent Stages One and Two Road Safety Audits carried out

in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.

- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

Prior to the commencement of development, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 22 Prior to the commencement of development, other than site preparation and earthworks, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 23 Prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting the Strategic Road Network shall be submitted to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details.

REASON:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

- 24 No development shall commence other than site preparation and earthworks until full details of the site access provisions, in general accordance with drawing nos. THDA SK12 Rev C, THDA 15-0752 101 Rev 1 & THDA 15-0752 102 Rev 1, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 25 No construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 26 Access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 27 No development shall commence other than site preparation and earthworks until details of the proposed accesses onto Rowley Road have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 28 No construction shall commence on site until a detailed Highway Improvement Works Phasing Plan and Construction Sequence

Programme/Timetable, linked to the extent of built floor space, and generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 and PHP Architects Construction Phasing Plan Including Highways and Earthworks 3924-1 004 rev P3 has been submitted to and approved in writing by the local planning authority. Thereafter the phasing of development shall be undertaken in full accordance with these approved details.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 29 No more than 46,450 square metres (GFA) of development falling within Use Class B1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation and is opened to traffic.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 30 The construction of any highway structure as identified on TH:DA Drawing No. 15-0752 140 (Structures Location Plan) shall be undertaken only in full accordance with details, which shall include an approval in principle report, which have previously been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029.

- 31 No highway works approved as part of the development shall be undertaken unless and until:

- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
- ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

REASON:

In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 32 Street lighting shall be provided in respect of each phase of the

development hereby permitted which involves the construction of highways, footpaths or cycleways in full accordance with details previously submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway, pedestrian and cyclist safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 33 At all times following the completion and opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network.

REASON: In the interests of promoting the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 34 No building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:

- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
- ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
- iii) Covered cycle and motorcycle parking; and
- iv) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

REASON:

In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029.

- 35 The number of car parking spaces to be provided within the application site in respect of the development hereby permitted shall not exceed 2,500, of which a maximum of 500 shall be allocated for visitors and no

more than 2,000 for the employees of the development. Provided the above limits are not exceeded, car parking shall be provided in accordance with the standards for low accessibility zones set out in the Council Vehicle Parking Standards Supplementary Planning Document.

REASON:

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029.

- 36 Prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy.

REASON:

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029.

- 37 The reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

REASON:

To promote sustainable transport choices in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 38 No development other than site preparation and earthworks shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- i) Full drainage calculations for a range of events (Microdrainage windes or similar)
- ii) Construction details for the ponds/swales

- iii) Details of how the scheme will be maintained and managed after completion.

REASON:

To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029.

- 39 The development hereby permitted (other than site preparation and earthworks) shall not be commenced until such time as a scheme to provide details of the proposed bridges and bridge extensions has been submitted to, and approved in writing by, the local planning authority. The scheme shall include construction details, details of bridge openings and details of any floodplain compensatory works. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements in the scheme, or any alternative arrangements as may subsequently be agreed, in writing, by the local planning authority.

REASON:

To ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 40 The development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (dated 15/01/16, ref: WHI-BWB-EWE-XX-RP-EN-0001_FRA Rev C, prepared by BWB Consulting) and the following mitigation measures detailed within the Flood Risk Assessment:

- Finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm above average surrounding ground level as recommended in Table 5.1.
- Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m³.
- Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m³.

REASON:

To ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 41 Notwithstanding the provisions of the Town and Country Planning

(General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 or the bridge and embankment floodplain compensation areas as delineated on drawing ref: WHI-BWB-EWE-XX-SK-EN-0010, S2, rev P1 (Masterplan showing Flood Zones).

REASON:

To ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 42 The reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.

REASON:

To ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with FW2 of the Warwick District Local Plan 2011-2029.

- 43 No development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe, has been submitted to and agreed in writing by the local planning authority. This should include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall be implemented in accordance with the approved scheme.

REASON:

To ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF.

- 44 For the duration of highway construction works on Rowley Road and thereafter at all times following the completion of those highway works access for the Midland Air Museum to and from Rowley Road shall be maintained in accordance with details submitted to and approved in writing by the local planning authority.

REASON:

To safeguard this cultural facility.

- 45 The development hereby permitted shall not be commenced on the site occupied by Trinity Guild RFC unless and until:
- i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities have been provided for the

club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England and;

- ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

REASON:

To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord with the NPPF.

- 46 No development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority.

REASON: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.

- 47 No part of the development hereby permitted shall be occupied until:
- i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have been submitted to and approved in writing by the local planning authority; and
 - ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to that part.

REASON:

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029.

- 48 No part of the development hereby permitted shall be occupied until ANPR cameras have been provided in accordance with a scheme submitted to and approved in writing by the local planning authority. The ANPR equipment shall comply with the ACPO ANPR standards and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter.

REASON:

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029.

- 49 Fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the local planning authority and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications.

REASON:

In the interests of amenity in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029.

- 50 Noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, 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 protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 51 None of the buildings hereby permitted shall be first occupied until:
- i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
 - ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

REASON:

To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

- 52 The Construction Management Plan to be submitted under Condition 26 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

REASON:

In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies BE3, TR1, TR2 & NE5 of the Warwick District Local Plan 2011-2029.

- 53 No development shall take place on any phase of development until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

REASON:

To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy TR2 of the Warwick District Local Plan 2011-2029.

- 54 No development shall take place on any phase of the development until:

- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
- ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;
- iii) 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 and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall thereafter be implemented in full and all development of the site shall accord with the approved method statement.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 55 If, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 56 No phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 57 No recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:
- i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and
 - ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

REASON:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 58 No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON:

To protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

- 59 Construction work shall not begin on any phase of the development hereby permitted 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 District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

REASON:

In the interests of fire safety in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 60 No development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

REASON:

To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029.

- 61 No work shall commence on any of the buildings permitted under this outline planning permission and any subsequent reserved matters approval unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO₂ emissions would be reduced through the initial construction methods and materials, has been submitted to and approved in writing by the local planning authority. No building shall be first occupied until all the works within this scheme in respect of that building have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably

practicable.

REASON:

To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy CC3 of the Warwick District Local Plan 2011-2029.
