

PLANNING COMMITTEE 19th DECEMBER 2012

OBSERVATIONS RECEIVED FOLLOWING PREPARATION OF AGENDA

Correction

On page 3 of the Committee Report the references to floorspace ranges for Zones A and B are references to building footprints not floorspace.

Coventry City Council decision

Since the Committee Report was written, the application has been considered by Coventry City Council's Planning Committee. At the meeting on 13 December 2012 it was resolved that they were minded to approved those elements of the application within the administrative area of the City Council (i.e. the majority of the highway works outside of the main development zones), subject to referral to the Secretary of State.

Impact on the Lunt Fort

The mitigation payment towards enhancements to the Lunt Fort has been increased from £50,000 to £100,000. Furthermore a revised illustrative layout for the Technology Park has been submitted to show smaller scale development on the western boundary closest to the Lunt Fort in an effort to address concerns expressed by English Heritage and the County Archaeologist. An amended Parameters Plan has been submitted showing small changes to the sizes of buildings on the Technology Park to reflect the content of the revised illustrative plan.

English Heritage have subsequently made the following further comments:

"My feeling is that to withdraw our objection on the basis that the detailed layout can be determined as a Reserved Matter would leave us in a very difficult situation as we tried to find a layout and scale of development acceptable to both parties. The earth bund and tree planting still appear as a considerable barrier within the landscape. This is just as alien as the buildings upon the horizon.

I think the objection on the grounds of the impact upon the setting of the Roman fort at The Lunt can not be withdraw."

The County Archaeologist has provided the following further comments:

"The proposed reduction in scale of the buildings across the western edge of Zone B is encouraging. However, I do not consider that there is sufficient information available at this time to determine whether or not this, in combination with alterations to any associated landscaping etc, will sufficiently reduce the impact of the scheme on the setting of the Scheduled Lunt Roman Fort.

I would therefore recommend that the applicant be requested to provide further supporting information, such as photomontages, to demonstrate that it will be possible to sufficiently reduce the impact of the proposal upon the Lunt.

As detailed in my previous comments, the views from the Lunt eastern ramparts (as shown in the 'screen grab' views forwarded by Ben Holmes) emphasised the impact that the proposed landscaping and planting across the proposed bund, as well as the proposed buildings, would have upon the sight lines to the horizon beyond. This planting across the bund also appeared to form a significant 'barrier' to the views beyond, significantly foreshortening the views from the eastern ramparts of the Lunt".

Officer comments: For the reasons stated in the Committee Report, it remains the view of Officers that the development would cause less than substantial harm to the setting of the Lunt Fort. This less than substantial harm would be outweighed by the significant public benefits of the proposed development and by the proposed mitigation measures. This approach has been further strengthened by the amendments to the layout of the development and the increase in the mitigation payment from £50,000 to £100,000.

With regard to the issue of the bund foreshortening views from the ramparts of the Fort, it is important to bear in mind that the bund to the west of Zone B is a less significant feature than the bund around Zone A, being limited to between 3m and 7m in height. The bund would also be some distance from the ramparts of the Fort (340m to the centre of the bund). Therefore, having regard to the undulating nature of the existing ground levels around Zone B and the fact that the existing ground level rises beyond the bund, it is not considered that the proposed bund would foreshorten views from the ramparts of the Lunt Fort to an unacceptable degree.

St. Martins Roundabout

The application has been amended to omit the detailed proposals for the St. Martins roundabout. It is now proposed that a contribution of £1.5m will be made to Coventry City Council to carry out these works.

Emergency access

In response to queries regarding emergency access, the applicant has confirmed as follows:

"There is an existing "Emergency Access Route" from Middlemarch Business Park to the existing tarmac road that serves Severn Trent water and Mr Beatys farm via Parcel force. The Middlemarch Business Park have this as a formal arrangement and we have continued and confirmed this arrangement will remain unaltered.

This route caters for emergency vehicles and HGVs, and cars and came into operation when the building on Middlemarch was on fire earlier this year taking all traffic out via Bubbenhall Road. Our scheme improves this access and provides a much more suitable exit of such traffic via our proposed new estate spine road (so avoiding Baginton) providing betterment.

Our scheme continues with the use of this existing agreed route off Middlemarch. There is a further additional route to the south which is suitable for emergency vehicles and cars only. Both routes will of course be reciprocal and allow our scheme to evacuate in the other direction."

The applicant has also confirmed that the emergency access would also permit general comings and goings in an emergency to enable business to continue as normal. This issue is covered by recommended Condition 46.

Further consultation responses

A further 29 representations have been received to the application since the Committee report was finalised bringing the total number of objections to 798 with 6 letters of support, 2 people both objecting and supporting and 3 comments. These further representations reiterate issues that are listed in the summary of consultation responses in the Committee Report and make the following further comments:

- a condition should be imposed to prohibit the extension of the runway at the airport;
- the new roundabout connection to Stoneleigh Road will increase traffic through Stoneleigh village;
- there is no mention of ANPR restrictions on Stoneleigh Road;
- Ansty should be assessed as an alternative site for logistics, given its access to the motorway network;
- Ryton should be considered as an alternative site for a Technology Park – this is nearer to the A45/A46 than the Gateway Logistics Park and nearer, via road access, to Middlemarch;
- granting permission for the Gateway may thwart any future proposals for the expansion of the Warwick University Science Park, which is better located in relation to the University;
- there is little evidence of any potential occupiers for the sites - empty sites do not bring jobs;
- a noise barrier should be provided on the western side of the A444;
- attention is drawn to the success of the Manufacturing Technology Centre at Ansty which illustrates the benefits of the Ansty site for technology based companies with links to local and regional universities;
- concerns about the adequacy of the cycling provision;
- concerns about the adequacy of the proposed bus services; and
- detailed suggestions for improving the cycling provision within the site and off site.

Jaguar Land Rover have reiterated their support for the scheme.

A revised consultation response has been received from the Highways Agency directing approval of the application subject to some minor changes of wording

re conditions. These changes are reflected in the condition amendments detailed below.

A further objection has been submitted on behalf of the occupants of Rock Farm (Mr Beaty and family) reiterating concerns previously made about loss of livelihood (the agricultural holding) and being made homeless. The objection on behalf of Mr Beaty points out that it is accepted by the Courts that the personal circumstances of an occupier are capable of being a material consideration in exceptional circumstances. It is argued that the fact that Mr Beaty and his family will lose their home and their livelihood causing personal hardship and difficulty to a business which is of value to the character of the community amounts to exceptional circumstances and therefore that this should be taken into account as a material consideration in assessing the application. Two Court cases are cited in support of this argument (R v Vale of Glamorgan DC ex parte David Adams and Westminster City Council v Great Portland Street Estates).

The implications of the development will be as follows:

1. The farmer (Mr Beaty), his wife and daughter will be made homeless
2. Mr Beaty's mother (aged 79) will be made homeless
3. Neither Mr Beaty, nor his mother, own any alternative accommodation
4. Mr Beaty will lose his source of livelihood
5. Neither Mr Beaty or his mother have sufficient funds to purchase alternative accommodation and are likely to have to rent alternative accommodation

Mr Beaty considers that this amounts to exceptional circumstances which justify a refusal of planning permission.

Officer response: The Court cases cited by Mr Beaty dictate that in exceptional or special circumstances the personal circumstances of an occupier, personal hardship or the difficulties of businesses which were of value to the character of the community are not to be ignored in the administration of planning control, but such cases could not be made the subject of a general policy and could only be considered as specific exceptions to a general policy. Further, the Courts have held that "the personal circumstances of an occupier, personal hardship and the difficulties of businesses which are of value to the character of a community are capable of being material considerations even if to give effect to them will involve an exception from general policy". However, it is up to the decision maker (i.e. Planning Committee) how much weight should be attached to these personal circumstances. It is important to bear in mind that these Court cases refer to personal circumstances being a material consideration only in exceptional circumstances.

Whilst one can sympathise with the situation that Mr Beaty and his family find themselves in, it is important to bear in mind the fact that any loss of business or home will cause a degree of hardship, however planning policy and case law do not afford any general protection against such hardship. The judgement that the Council must make is whether the current proposals would amount to a degree of harm that could be considered to be "exceptional", to an extent that

would justify a departure from general policy in this respect. Having carefully considered all of the points put forward by Mr Beaty, it is not considered that the matters raised amount to exceptional circumstances that would justify a refusal of planning permission.

A recent objection raises a planning appeal decision dated 10 August 2012 concerning Easton Farm, Almodington in West Sussex. The proposal was for the erection of horticultural glasshouses, offices and associated works. The appeal was dismissed as the Inspector considered that notwithstanding the economic benefits of the proposals, they were not outweighed by the impact of the scheme on the surrounding countryside and she also considered that there were alternative sites where the development could be located where the impact on the countryside would be less significant. She stated that national and regional guidance supported sustainable growth in respect of economic, social and environmental considerations but in this case harm to the environment was not outweighed by the economic benefits.

Officer response: Whilst this decision does raise some issues which are matters being considered in assessing the Gateway proposals, there are significant differences between the two schemes and therefore it is not considered that significant weight should be given to this appeal decision in assessing the Gateway proposals. The key differences are: (a) the appeal decision relates to horticultural development rather than r & d / industrial / warehousing development; (b) the appeal decision does not relate to land within the Green Belt; (c) the appeal decision refers to very different economic benefits (i.e. relating to the particular benefits and needs of horticultural development rather than the wider public benefits of significant job creation); (d) the appeal site is not adjacent to a regeneration zone; (e) the economic needs of the area around the appeal site are likely to be very different from those of the area around the Gateway site; (f) the job creation benefits of the appeal proposals are nothing like those claimed for the Gateway (in the order to 7.5-40 jobs, compared with 10,000 for the Gateway); (g) the appeal decision appears to relate to an area where there may be particular pressures relating to horticultural development (hence the reference to HDAs and particular policies dealing with glasshouse development); (h) the appeal decision does not relate to a site on the edge of a large city or adjacent to significant transport infrastructure; and (i) the appeal decision does not relate to land that is contaminated.

Reference has also been made by objectors to a recently published RICS guidance note on Financial Viability in Planning which refers to the increased profile of viability in the planning system as a material consideration. Reference is made to local planning authorities being able to refuse to register applications that are not accompanied by a financial viability assessment.

Officer response: As stated in the Committee report in terms of the NPPF, this RICS document also relates to viability primarily in terms of the formulation of planning policy and the negotiation of Section 106 Agreement/Community Infrastructure Levy contributions. It is not a requirement for financial viability

assessments to be provided with planning applications and in terms of the Gateway scheme broad heads of terms for the Section 106 Agreement have been agreed with the applicant. As such a financial viability assessment is not considered necessary as there is no dispute between the parties as to the level of planning obligation contributions.

Recent ministerial statements regarding Green Belt policy have been referred to. However, these re-iterate guidance in the NPPF which has been assessed in the Committee report.

CPRE in recent submissions make reference to a number of continued concerns relating to alternative sites, the views of a Core Strategy EIP Inspector regarding the need for employment land in Coventry, conflict with the consented proposals for Whitley Business Park, night time lighting effects, the impact of engineering operations on habitat, noise impacts arising from the proposed roundabout south of Baginton village, impacts from increased traffic queues on Leaf Lane, the manner in which trip rates have been derived and the assumption in terms of assessing the impact of the development that flight movements at Coventry Airport would be the same throughout the year.

It is considered that these matters have been largely covered in the Committee report.

In terms of conflict with the consented scheme for Whitley Business Park, this relates to the part of the development that Coventry City Council have now resolved to approve. The Committee report acknowledges that some conflict does exist between this consented scheme and the Gateway proposals due to changes in highway alignments proposed as part of the Gateway scheme within the Whitley Business Park site. However, it is stated that the Gateway proposals have been drawn up by the applicant in consultation with the Whitley Business Park developer and that no objections have been raised by that developer in response to consultation by the Councils with them. It is therefore envisaged that revised a planning application(s) would be submitted for Whitley Business Park were the Gateway scheme to be progressed.

It was also pointed out that in terms of proposals for the car park serving the Stonebridge Meadows reserve that at present there was no requirement for the developer to provide this as work at not commenced in respect of Area 1000 on the Whitley Business Park site.

In this regard Members attention is also drawn to the latest outline planning permission for the WBP site granted by Coventry City Council in December 2008 (Ref: 47334/D). Condition 13 confirms the above phasing requirement in terms of the car park and an associated bridge whilst Condition 11 also confirms that there is no requirement to provide the extension to the Sowe Valley footpath until a building within Area 2000 is occupied. As with Area 1000, this is a part of the site which remains undeveloped at the present time. As such, there is at present no guarantee that these improvements to the Sowe Valley would be

delivered unless development within the WBP site, which has stalled, can be unlocked and as stated in the Committee report it is considered that the Gateway scheme would assist in achieving this.

Condition 4 of the permission also refers to no development other than certain specified exceptions, within the WBP floodplain landscape reserve but this restriction as the condition states at its start can only relate to proposals forming part of that outline planning permission and not to other proposals such as the Gateway scheme that may emerge at a later date, which would each need to be assessed on their own merits.

In terms of the CPRE reference to the Inspectors Report on the previous Coventry Core Strategy, the Inspector did state that there was not a requirement for further employment land to be released for the City to meet its 82 hectare minimum requirement in respect of employment land to meet local needs as specified in the West Midlands RSS Phase 2 Revision. However, he also goes on to acknowledge in terms of larger scale regional employment land requirements to serve the Coventry & Nuneaton Regeneration Zone, the RSS Phase 2 Revision recommendation that a further Regional Investment Site (RIS) (25-50 hectares) in addition to Ansty will be required and he accepts that there are no suitable sites in Coventry for this RIS. He therefore states that identification of such land would need to be explored further with Nuneaton & Bedworth Borough Council and others.

Further information from applicant

The applicant has submitted a further statement regarding the economic justification for the scheme. In addition to matters already covered in the Committee report they refer to the demand for hybrid research & development and light industrial premises and consider that the Gateway site would provide for such demand. Conversely they believe that the Ansty site would not accommodate such hybrid premises and that the market perception of Ansty is as an office environment. They also refer to the positive effects of displacement in terms of allowing existing companies in the area to expand and employ more people and the freeing up of smaller existing employment buildings for new smaller companies to occupy. Lastly, they refer to similarities between the Gateway proposals and the Advanced Manufacturing Hub at Aston Science Park in Birmingham where take up of floorspace has been substantial.

The applicant has also provided the following further statement to demonstrate that the Gateway scheme will be implemented successfully and will attract occupiers:

"For the reasons we have set out previously it is not possible (and not usual) at this stage in the development process to have a list of occupiers lined up to invest in the scheme. Occupiers require certainty and will not commit to a strategic development site until outline planning permission is in place and the lead-in time to the delivery of units is known.

The Gateway is strategic in its scale and nature, it is required to help meet the needs of businesses now but also to ensure that there is a supply of high quality employment space in the future. The need for an on-going supply of high quality strategic employment space is a long standing policy objective and has been reiterated in the Coventry and Warwickshire Economic Assessment. Requirements for space from inward investors and from existing businesses wishing to expand will continually arise and opportunities provided at The Gateway will help to meet these requirements and ensure that they are not lost to other areas.

Notwithstanding this, evidence has been submitted to demonstrate that demand currently exists, both generally in the sub region and specifically for the Gateway scheme. With some signs of economic recovery there has been a clear upturn in the activity in the market which has included the following sub regional transactions:

- Sainsburys 950 000sqft National Distribution Centre at DIRFT II*
- Sainsburys 75 000sqft Offices at Ansty, Coventry*
- TPN 340 000sqft RDC at Midpoint, Birmingham*
- Network Rail 350 000sqft NDC at Ryton*
- Covrad 175 000sqft at Lyons Park, Coventry*

In addition to these transactions there are also a number of enquiries from customers in the market seeking new premises in the sub region. These include:

- Rolls Royce - 150 000sqft Offices and R&D*
- Greggs Bakery - 250 000sqft manufacturing facility*
- Aston Martin – Engineering expansion plans*
- Swanline Print – 250 000sqft manufacturing facility*
- Geopost – 360 000sqft regional sorting office*
- Tesco - 500 000sqft Dotcom regional distribution facility*
- H&M – 250 000sqft Dotcom national distribution facility*
- Amazon – 900 000sqft regional distribution facility*

Discussions are also progressing well with a number of specific and significant occupiers. Their details are commercially confidential but will be set out to you in a private and confidential letter which will be sent separately. CWDP would like this letter to be made available to members on a similar private and confidential basis.

The evidence here is of a positive commercial market with a range of large occupiers actively seeking space. There is currently very little choice of high quality space in the region. The large strategic schemes at Magna Park, Hams Hall, Mid point, Dirft II and Aston Science Park are all now fully occupied.

The benefits of and need for the Gateway scheme has been recognised by the LEP and major local employers including Jaguar Land Rover. They have said that 'Jaguar Land Rover recognises the significant regional benefits that the development could deliver in terms of investment in infrastructure and economic growth'. They have reiterated their support for the scheme in a letter addressed to the CWDP dated 13th December. A copy of this letter is attached and can be made available to members.

It is also worth pointing out that the developers behind the CWDP have a strong history of the successful implementation of large scale projects of this nature including Coventry Colliery, Blyth Valley Park and Grange Park, Northampton. The CWDP's commitment to significant investment in the project both to date and in up front infrastructure costs also demonstrates significant confidence in the scheme and its prospects for success.

CWDP have invested around £2.5 million to date on the planning application and associated works. This money is entirely at risk. The Gateway project requires significant up front infrastructure works, a commitment to which will be required on the grant of planning permission. The infrastructure costs of making the site available for buildings is around £70 million, funding for which is already in place. This funding will be provided through equity held by the Partnership and there will be no requirement for debt funding. This level of infrastructure funding is significant and these costs will only be recovered once a major proportion of the scheme is developed."

In addition to the above, the applicant has submitted a further letter that has been shared on a private and confidential basis with members of the Planning Committee giving details of 4 companies that they are in advanced and detailed discussions with to take up space on the Logistics Park. This amounts to 2m sq ft of space and 3,400 jobs. If scaled up to the whole of the Logistics Park this would produce 6,000 jobs on that part of the site.

Section 106 agreement

Further discussions have taken place with the applicant regarding the details of the proposed Section 106 agreement. These discussions are ongoing regarding the finer details and in particular the penalty payment formula for the Green Travel Plan and the inclusion of a cost figure for the bus services. The current Heads of Terms are as follows:

1. Preparation and agreement with the relevant local planning authorities 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, with an individual/body appointed and funded by the applicant to implement the agreed Strategy. All this to be done prior to the commencement of development. Employment & Training Strategy to include a mechanism for review of the Strategy's success in consultation with the Councils.
2. Payment of £40,000 for new or enhanced green space within Cheylesmore or Whitley wards in Coventry as compensation for public open space lost to accommodate the proposed Whitley Junction highway works. Paid prior to the commencement of construction works in respect of the Whitley Junction.

3. Preparation and agreement with the relevant local planning authorities and implementation of a site wide Construction Ecological Protection & Mitigation Strategy. Strategy to be prepared by developer and agreed with Councils prior to the commencement of development.
4. Preparation and agreement with the relevant local planning authorities prior to the commencement of development of a Biodiversity Offsetting Scheme for the off-site compensation as identified in the Biodiversity Offsetting Report forming part of the approved application documentation. The applicant would then deliver the agreed Scheme by funding the offsetting measures and their management/maintenance for at least 25 years from the date on which planning permission was granted.
5. Payment of a contribution of £100,000 for enhancement works at the Lunt Roman Fort including works to open up views of the countryside to the north of the Fort to mitigate harm caused to views from the fort to the east by the development. Contribution paid prior to the commencement of construction re any building on the Tech Park site.
6. Prior to commencement of development, preparation and agreement with Warwick District Council of a Site Wide Infrastructure Design, Management and Maintenance Strategy for the Countryside Park and other common areas within the site which shall provide for public access to the Countryside Park in perpetuity. Developer to implement Strategy in full thereafter.
7. Payment of £2,500,000 towards of the cost of off-site highway improvement schemes at the junctions of the A45 with St.Martin's Road/Leamington Road and Kenilworth Road (£1,500,000 & £500,000 respectively) and the junction of London Road/Humber Road/Allard Way (£500,000). £1,500,000 prior to completion of phase 2 highway works & £1,000,000 prior to completion of phase 3 highway works)
8. Prior to first occupation of the development the applicant has agreed to fund improvements to the following off-site footpath/cycle routes. They would either undertake improvement of these routes themselves to a specification agreed with Coventry City Council and Warwickshire County Council or pay a contribution to the Councils of up to £2,500,000 for them to undertake such works.

Coventry City Council Routes:

- Humber Road to Railway line
- Humber Road (Stoke Green to Binley Rd)
- Upgrade staggered puffin on London Rd (near Riverside close)
- Tollbar to Chace Ave (300m x 3m wide new cycleway)
- Toucan across St James Rd with London Rd
- Sowe Valley (London Rd to Alan Higgs on Allard Way) (1 km)
- Sowe Valley (Middle section on Allard Way) (0.6 km)
- Allard way (second Ave to Binley Rd) (0.4 km)
- Sowe Valley (Binley Rd to Clifford Bridge Rd) (2.0km)
- Sowe Valley (Clifford Bridge Rd to hospital) (1.5km)
- Whitley Island to Riverside Close (0.5km)
- Toucan crossing on north side of Whitley island & infill

- of bus stop adjacent Riverside close
- Howes Lane (0.2km)
- Route signage

Warwickshire County Council Routes:

- Rowley Road - Baginton to site entrance (700m)
- Siskin Drive connection to Zone A (1.8 km)
- St Martin Road (B4115/B4113 to Howes Lane)
- A45 Tollbar to Ryton widening footpath to shared use (2.5km)

9. Employment of a Travel Plan Co-ordinator to prepare a site wide Framework Travel Plan prior to the first occupation of the development and individual Workplace Travel Plans prior to the occupation of individual buildings to be agreed by the relevant local planning authorities, implement and monitor those agreed Travel Plans with provision made for liaison with the relevant local planning authorities regarding monitoring results and the agreement of remedial measures if the modal shift target of 35% public transport/pedestrian/cyclist/car share use is not being met. The Travel Plans would include provision for Commuter Coach Services to those locations where there was sufficient demand for them and subsidised bus travel passes. There would be payment of a contribution to the relevant local planning authorities if there have been more than 12 days in 4 consecutive 6 month monitoring periods when the 65% modal share target has not been met. The formula re such payment would be as follows:

$(B/100) \times A \times C \times D$ where B= the number of employees present within the development on that day, A= the number equivalent to the difference between 65% and the number by which the single car occupancy exceeds 65%, C= £4.50, D= the number of exceedance days.

Agreement has been reached on the payment of £5,000 to the relevant local planning authorities each time a Travel Plan is submitted to them for approval to cover their costs in assessing that Travel Plan. The Travel Plan Co-ordinator would be employed by the developer for at least 5 years beyond first occupation of the final building plot within the development.

10. Provision of bus infrastructure and a commuted sum maintenance payment at a cost of up to £5 million to allow for a high quality bus route between Coventry Railway Station, Pool Meadow Bus Station, Whitley Business Park and the development in accordance with a detailed specification prepared by the developer and submitted to and agreed with the Councils. This infrastructure would be provided prior to completion of the phase 2 highway works and the occupation of more than 100,000 square feet of floorspace in the development.
11. Funding to provide a bus service on the above-mentioned high quality bus route for a period of 10 years from completion of the phase 2 highway works. The frequency of service would be Monday-Friday 0500-2300 every 10 minutes until 1900 with a 20 minute frequency after 1900, Saturdays 0600-2200 every 15 minutes until 1800 with a 20 minute frequency after 1800 and on Sundays 0700-2200 every 20 minutes.

12. Funding to provide a bus service between Wood End in Coventry and the development via Coventry City Centre, Willenhall and Middlemarch Business Park for a period of 10 years from the date on which at least 200,000 square feet of floorspace in the development is occupied. Service frequencies would be as per the existing No.21 bus service between Wood End and Willenhall.
13. In terms of the 3 types of bus service referred to above (i.e Coventry Railway Station to the development, Wood End to the development, commuter coach services) the developer would subsidise these to meet any shortfall between income generated by fares and the cost of providing the services up to a maximum overall cost of £12.5 million net over 10 years (which equates to £1.25 million per annum on average).
14. Contribution of £20,000 to fund Traffic Regulation Orders within the Rowley Road area east of the application site. Paid prior to 1st occupation of development.
15. Contribution of £17,500 to fund Traffic Regulation Orders within the Rowley Road and Baginton Village area west of the application site. Paid prior to 1st occupation of development. A portion of this sum would be used for monitoring of traffic in and around Baginton every 6 months for a period of 5 years.
16. Contribution of £150,000 to fund traffic management works in the Leaf Lane area. £15,000 paid prior to implementation and remainder paid prior to 1st occupation of development.
17. Prior to the commencement of development preparation and agreement with Warwick District Council and Warwickshire County of a Rowley Road/Bubbenhall Road/Coventry Road/Stoneleigh Road Access Restriction Strategy utilising ANPR cameras and implementation of that strategy thereafter for the lifetime of the development.
18. Developer to use reasonable endeavours to assist the occupiers of businesses currently located within the application site to relocate provided that this obligation shall not require the Owner to provide the occupiers with any financial assistance or subsidy.
19. Developer to use reasonable endeavours to agree an agreement for lease or a lease of new premises within the development with the Model Car Club and Electric Railway Museum prior to implementation.
20. Contribution to fund in full the reasonable legal costs of the local planning authorities in drafting the Agreement and a contribution of £2,000 per annum each for the District, County and City Councils towards the costs of monitoring the Agreement.

Conditions

Minor changes are proposed to some of the conditions listed in the Committee Report to reflect the latest plan numbers and to improve the wording. The

conditions that have been amended are as follows (changes highlighted in bold and italics):

7. In respect of the Reserved Matters to be submitted in accordance with Condition 3 for each development zone, as shown on approved pHp Architects Parameters Plan drawing no.3924 029 RevP**20** the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace within each zone shall be within the minimum and maximum limits set down in that Parameters Plan.

REASON:

To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies DP1 and DP7 of the Warwick District Local Plan 1996-2011.

8. Prior to the submission of any Reserved Matters in respect of the development hereby permitted a Master Plan and Design Code shall be submitted to and approved in writing by the local planning authority. These shall:
 - i) Accord with the pHp Architects Parameters Plan Drawing No.3924 029 RevP**20** and the principles set down in the Design & Access Statement forming part of the approved application documentation;
 - ii) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping in respect of Zones A, B and C as identified on the above-mentioned Parameters Plan;
 - 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 for the Technology Park 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 and Logistics Parks;
 - viii) Detail principles on how legibility will be achieved within the Technology and Logistics Parks 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 in respect of Zones A, B and C as identified on the above-mentioned Parameters Plan, aimed at ensuring that soft landscaping within these areas 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 DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011.

9. The reserved matters to be submitted in accordance with Condition 3 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 pHp Architects Parameters Plan drawing no.3924 029 RevP19 forming part of the approved application documentation.

REASON:

In the interests of urban design in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

19. Prior to the commencement of any works on the site full details of how the site access provisions, generally as illustrated on TH:DA Drawings 11-0540 200A and 201A General Arrangement Whole Scheme – Sheets 1 of 2 and 2 of 2 (August 2012), will align with the Highways Agency's Tollbar End Improvement scheme as illustrated on those drawings shall be submitted to and approved in writing by the local planning authority in consultation with the Highways Agency. The full details to be submitted and approved shall include:
 - i) How the development scheme interfaces with the A45/A46 Strategic Road Network highway alignment, including details of highway surface water drainage, the carriageway markings and lane destinations.
 - ii) Full direction and traffic signing, lining, lane markings and lighting details.
 - iii) Provision for Non-Motorised Users (NMUs).
 - iv) Confirmation of full compliance with the current Design Manual for Roads and Bridges (DRMB) and Departmental Policies and Advice Notes, and the necessary relaxations/departures from those standards approved by the Highways Agency.
 - v) Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DRMB) and related Advice Notes.

Thereafter the development shall be undertaken in full accordance with these approved details or any amendments subsequently approved in writing by the local planning authority in consultation with the Highways Agency.

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. Where the proposals in Condition 19 above affect the design and/or access to the proposed surface water run-off balancing ponds, under the

provisions generally as illustrated on TH:DA Drawings 11-0540 200**A** and 201**A** General Arrangement Whole Scheme – Sheets 1 of 2 and 2 of 2 (August 2012), details of the proposed modifications to the balancing ponds shall be submitted to and approved in writing by the local planning authority in consultation with the Highways Agency prior to the commencement of works on the site. Thereafter the development shall be undertaken in full accordance with these approved details or any amendments subsequently approved in writing by the local planning authority in consultation with the Highways Agency.

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.

25. No construction shall commence on site until a detailed Highway Improvement Works Phasing Plan generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing; Figure 2 Rev P22 (July 2012) and pHp Architects Construction Highways Sequence Plan Drawing Number 041 Rev P7 (August 2012) has been submitted to and approved in writing by the local planning authority in consultation with the Highways Agency. Thereafter the phasing of development shall be undertaken in full accordance with these approved details or any amendments subsequently approved in writing by the local planning authority in consultation with the Highways Agency.

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.

26. The phasing of development hereby approved shall be generally in accordance with pHp Architects Construction Highways Sequence Plan Drawing Number 041 Rev P7 (August 2012).

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.

27. No more than 9,290 square metres (GFA) of development falling within Use Classes B1a, B1b or B1c of the Town & Country Planning (Use Classes) Order 1987 as amended within the proposed Technology Park forming development Zone B as illustrated on pHp Architects Illustrative Masterplan Drawing No.3924 020 RevP23 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 P22 (July 2012) have been constructed to the written satisfaction of the local

planning authority in consultation with the Highways Agency and local highway authorities and opened to traffic.

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.

28. No part of the development hereby approved within Zone A as identified on pHp Architects Illustrative Masterplan Drawing No.3924 020 RevP23 falling within Use Classes B2 and/or B8 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until:

- (i) Phases 1 to 4 inclusive of the site access highway works illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P22 have been constructed to the written satisfaction of the local planning authority, in consultation with the Highways Agency and opened to traffic **unless;**
- (ii) ***an alternative highway works phasing scheme has been submitted to and agreed in writing by the local planning authority to secure the construction and completion of the entirety of these highway works including alternative phasing arrangements within which such works will be constructed and completed in relation to the occupation of floorspace within the development and completion and opening to traffic of these highway works in general accordance with the above-mentioned detailed drawings to the written satisfaction of the local planning authority, in consultation with the highways agency and local highway authorities and the works shall be undertaken in accordance with any agreed phasing arrangements.***

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.

35. No more than 9,290 square metres (GFA) of development falling within Use Classes B1a, B1b or B1c of the Town & Country Planning (Use Classes) Order 1987 as amended within the proposed Technology Park forming development Zone B as illustrated on pHp Architects Illustrative Masterplan Drawing No.3924 020 RevP23 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 P22 (July 2012) have been constructed in accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation to the written satisfaction of the local planning authority in consultation with the Highways Agency and Local Highway Authorities and opened to traffic.

REASON:

In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

36. No part of the development hereby approved within Zone A as identified on pHp Architects Illustrative Masterplan Drawing No.3924 020 RevP23 falling within Use Classes B2 or B8 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until:
- i) Phases 1 to 4 inclusive of the site access highway works illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P22 (with the exception of the St. Martin's roundabout) have been constructed in accordance with the detailed drawings in respect of these phases forming part of the approved application documentation to the written satisfaction of the Local Planning Authority, in consultation with the Highways Agency and opened to traffic unless
 - ii) In respect of Condition 25 above an alternative highway works phasing scheme has been submitted to and agreed in writing by the Local planning authority in consultation with the Highways Agency and local Highway Authorities to secure the construction, and completion of the entirety of these highway works including alternative phasing arrangements within which such works will be constructed and completed in relation to the occupation of floorspace within the development, in which case the phasing requirements of condition 28 above shall not apply and completion and opening to traffic of these highway works in general accordance with the above-mentioned detailed drawings to the written satisfaction of the Local Planning Authority, in consultation with the Highways Agency and Local Highway Authorities shall be undertaken in accordance with the revised phasing arrangements agreed under Condition 25.

REASON:

In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

39. No more than 18,581 square metres (GFA) of the development hereby approved within Zone B as identified on pHp Architects Drawing No.3924 029 RevP20 (Parameters Plan) shall be brought into use prior to completion of the:
- i) Phase 3 and 4 site access highway works illustrated on Lawrence Walker Ltd Drawing No. Figure 2 Rev P22 (Site Access Proposed Improvements Phasing) with the exception of the St. Martin's roundabout and in accordance with the detailed drawings in respect of these phases forming part of the approved application documentation; and
 - ii) the highway works at the junction of the A45 with Baginton Road as illustrated on TH:DA Drawing No.11-0540 200A (General Arrangement Whole Scheme – Sheet 1 of 2) in general accordance with that drawing and;
 - iii) the highway works at the junction of the A46 with the B4082 as illustrated on TH:DA Drawing No.11-0540 238 (General Arrangement Walsgrave Roundabout) in general accordance with that drawing;

unless in respect of Condition 25 above an alternative highway phasing scheme has been submitted to and agreed in writing by the local planning authority in consultation with the Local Highway Authorities to secure the construction and completion of the entirety of these highway works including alternative phasing arrangements within which such works will be constructed and completed in relation to the occupation of floorspace within the development, in which case completion of these highway works in general accordance with the drawings referred to in i), ii) and iii) above shall be undertaken in accordance with those alternative phasing arrangements agreed under Condition 25.

REASON:

In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011.

43. No development shall commence within Zone A as illustrated on pHp Architects Drawing No.3924 029 RevP**20** (Parameters Plan) unless and until a link road has been constructed between Rowley Road and Zone A in accordance with TH:DA drawing nos. 11-0540 203 Rev.A and/or 11-0540-210 and 11-0540 237 Rev.B forming part of the approved application documentation.

REASON: In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

45. 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 P**22** (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, in consultation with the relevant Highway Authorities, 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 DP6 of the Warwick District Local Plan 1996-2011.

46. No development shall commence in respect of Zone A as identified on pHp Architects Drawing No.3924 029 RevP**20** (Parameters Plan) unless and until a scheme for the provision of emergency access from Middlemarch Business Park to Bubbenhall Road both during the construction and operational phases of development with respect to that zone has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. At all times following the commencement of development in respect of Zone A such emergency access shall be provided in full accordance with the approved scheme.

REASON: In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

59. The existing trees, shrubs **and** hedges indicated under condition 8 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 DP3 of the Warwick District Local Plan 1996-2011.

81. 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 9,290 square metres (GFA) of floorspace falling within Use Class B1 of the said Order has been occupied within Zone B as identified on pHp Architects Drawing No.3924 029 Rev P**20** (Parameters Plan) forming part of the approved application documentation.

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 UAP3 of the Warwick District Local Plan 1996-2011.