

**Planning Committee:** 12 December 2018

**Item Number:** 4

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

**Town/Parish Council:** Baginton

**Case Officer:**

Rob Young

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**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

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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 be 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;
- its 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 part 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 Middlemarch 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 Bubbenthal 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.

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