



Appeal Decision

Inquiry held on 12 November 2019

Site visit made on 13 November 2019

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/J3720/W/19/3233061

Land south of Alcester Road (A46) / east of Drayton Manor Drive, Stratford-upon-Avon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by IM Properties (Development) Ltd against the decision of Stratford-upon-Avon District Council.
 - The application Ref 17/03629/OUT, dated 1 December 2017, was refused by notice dated 8 April 2019.
 - The development proposed is a mixed use business park comprising offices (B1a), research and development (B1b), light industry (B1c), general industrial (B2), storage and distribution (B8), car showrooms (sui generis) and bulky goods store (A1), café / amenity facilities (A1/A3), internal roads, car parking, service yards, pedestrian and cycle infrastructure and associated development; and new roundabout access from A46 and spine road, engineering operations comprising ground re-profiling, structural landscaping and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for a mixed use business park comprising offices (B1a), research and development (B1b), light industry (B1c), general industrial (B2), storage and distribution (B8), car showrooms (sui generis) and bulky goods store (A1), café / amenity facilities (A1/A3), internal roads, car parking, service yards, pedestrian and cycle infrastructure and associated development; and new roundabout access from A46 and spine road, engineering operations comprising ground re-profiling, structural landscaping and associated development at land south of Alcester Road (A46) / east of Drayton Manor Drive, Stratford-upon-Avon in accordance with the terms of the application, Ref 17/03629/OUT, dated 1 December 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The application is a hybrid application which seeks outline permission for a mixed-use business park and full permission for the proposed new roundabout access, spine road, engineering operations comprising ground re-profiling, structural landscaping and associated development. Details of access and landscaping are submitted for approval under the outline part of the application. An illustrative masterplan was submitted which shows a possible layout.

3. A Parameters Plan (Ref 15100 F036 M) was submitted with the application. This details the uses within each of four development zones, maximum floorspaces within those zones, ranges of finished floor levels and maximum building heights above those levels. Subsequent to the appeal, an amended Parameters Plan (Ref 15100 P003 A) was submitted. This shows amended floorspaces in development zones 2 and 3. The floorspace in zone 2 would be increased by 6,409 m² and that in zone 3 would be decreased by 4,644 m². These adjustments would increase the overall floorspace by 1,765 m².
4. Both the application form and appeal form state that the total floorspace of the proposed development would be 84,550 m² and this is the amount shown on the Parameters Plan submitted with the application. The amendment would represent a significant increase above that figure, and this has not been subject to consultation. If I were to base my decision on the amended Parameters Plan, then those who have not had an opportunity to comment on it could be disadvantaged.
5. The amended plan is intended to ensure consistency with the floorspace figures given on the illustrative masterplan, but this only provides floorspaces for the offices, warehouses and retail unit shown on the plan and not the car showrooms. This is an illustrative plan only and does not form part of the proposal. I note that the transport modelling was based on the floorspaces given on the illustrative master plan. This may indicate that a robust approach has been taken with the modelling, but this does not justify my acceptance of the amended Parameters Plan. For these reasons I shall base my decision on the originally submitted Parameters Plan.
6. The inquiry was adjourned on 12 November 2019 to allow for the submission of further documentation including a signed and engrossed Section 106 Agreement. Following receipt of those documents, the inquiry was closed in writing on 22 November 2019.

Background

7. The Council's decision gives two reasons for refusal. In summary, the first of these is that insufficient information had been submitted to allow a full assessment of the highway safety impact of the proposal. The second reason concerns the absence of a planning obligation to ensure the scheme is in accordance with planning policies and that it secures necessary mitigation measures.
8. Since that decision, the main parties have reached agreement such that the Council's objections have been overcome. In particular, Highways England has removed its holding objection and a Section 106 Agreement has been entered into which provides the required mitigation and policy compliance measures. Consequently, there are no remaining main issues between the main parties.

Reasons

Highway Safety

9. The site is allocated in the Stratford-on-Avon Core Strategy (2016) (CS) for employment uses. Proposal SUA.2 of the CS provides for office and research and development uses primarily but with scope for light industry. In addition, the site is to provide for relocation of businesses from the Canal Quarter Regeneration Zone (CQRZ). The specific requirements of Proposal SUA.2

include for vehicle access to be directly off Wildmoor roundabout or the proposed Western Relief Road (also known as the West of Shottery Relief Road). The Wildmoor roundabout is adjacent to the north-east corner of the site and the proposed Western Relief Road when constructed will be adjacent to its eastern boundary. The proposed development departs from these requirements in that a new roundabout junction is proposed on the A46 to the north-west of the proposed development.

10. A considerable amount of discussion has taken place between the appellant, Highways England (HE) and Warwickshire County Council (WCC) as Highway Authority regarding access to the site, prior to submission of the application, during its determination by the Council and following submission of the appeal. A Transport Statement of Common Ground has been agreed between those parties. HE's holding objection was withdrawn shortly before the inquiry opened.
11. This process has clearly demonstrated that the departure from Proposal SUA.2 in terms of the proposed access being directly from the A46 instead of from the roundabout is justified. The Western Relief Road has not yet been constructed and an access from Wildmoor roundabout is no longer considered by the Council and WCC to be acceptable. The Council considers that detailed requirements of Proposal SUA.2 including the access requirements are out-of-date. It is progressing its Site Allocations Plan (SAP) which includes amendments to Proposal SUA.2 and at the time of the inquiry had published its submission version of this document. Because the amended Proposal SUA.2 has not been subject to examination, the weight that I can give to it is limited. However, the parties are in agreement that the existing Proposal SUA.2 is out-of-date and this limits the weight that I can give to this. Given the extensive discussions that have taken place between the highway authorities and the appellant and the level of agreement that has been reached, access arrangements which are not in accordance with those specified in the development plan would be acceptable.
12. In terms of the effect of the proposed development on highway safety conditions, the parties agree that the scheme would not adversely affect highway safety subject to the provision of mitigation measures. These measures include improvements to the Wildmoor roundabout and the Billesley crossroads¹ to be secured by planning conditions, and improvements to the Bishopton roundabout² to be secured through a planning obligation and a financial contribution. The Wildmoor and Bishopton roundabout measures and contribution would be triggered when the traffic generated by the development reaches defined levels in the peak periods. This would be assessed by means of Transport Update Reports to be submitted with each reserved matters application.
13. An interested party had particular concern about the effect on the Billesley crossroads. At the Billesley Road and Church Bank junctions, the A46 and both side roads are single carriageway. Vehicles waiting to turn right on the A46 from both directions can result in delay to traffic along the A46. It is proposed to improve that junction by widening the A46 to provide right-turn lanes in both directions. It is also proposed to widen the junctions of both side roads to ease the movement of traffic turning into those roads and to provide islands to

¹ The A46/Billesley Road/Church Bank junctions to the west of the site

² The A46/A3400 Birmingham Road to the north-east of the site

channel that traffic. These improvements would be secured before occupation of the development. They have been subject to a Road Safety Audit and the detailed requirements would be secured under Section 278 of the Highways Act 1980. These measures would reduce the possibility of delay on the main road and improve safety at the junctions.

14. Concern has been expressed by the operators of the health club and spa to the north of the A46 regarding the implications for access to that property should they wish to develop the facility. Any such proposal would require consideration on its merits. There is no evidence before me to demonstrate that the proposed access arrangements would be prejudicial in this respect.
15. I find no reason to disagree with the positions of the Council, WCC and HE regarding the impact of the proposal on highway safety and the effectiveness of the proposed mitigation measures. Subject to these measures, the proposal would not be harmful to highway safety.
16. For the above reasons I find that the proposal would accord with Policy CS.26 of the CS which requires that necessary transport mitigation measures are secured. Although the proposal would not accord with the detailed requirements of Proposal SUA.2 of the CS in terms of access, the material considerations that I have identified are of sufficient weight to outweigh that conflict.
17. The Stratford-upon-Avon Neighbourhood Development Plan 2011-2031 (NDP) was made in December 2018. Policy SSB2 of the NDP supports Proposal SUA.2 of the CS and sets out detailed requirements. Paragraph (d) of that policy requires safe access and egress from the Wildmoor roundabout, western relief road or other suitable location supported by the Highway Authority. The proposed access arrangements would accord with that policy.

The Section 106 Agreement

18. Proposal SUA.2 of the CS provides for Class B1(a) office and Class B1(b) research and development uses, with scope for B1(c) light industry, and for businesses relocating from the CQRZ. The Council states that circumstances have changed since the CS was adopted in that there is less demand for B1(a) offices than previously envisaged and there is limited interest from businesses in the CQRZ in relocating to the site. The specified uses in Proposal SUA.2 are restrictive and greater flexibility is needed to realistically enable the business park to be developed. It remains important, however to seek to attract office-based companies to the town and to allow for relocation of businesses in the CQRZ. Interest has been expressed by car dealerships wishing to locate on the site and the Council considers that these would be acceptable provided that the area for such uses is restricted. The Council also considers that a bulky goods retail store could be accommodated. For these reasons there is a need for more flexibility in the range of uses that can be accommodated on the business park. It is still necessary to provide for B1(a) and (b) uses and for businesses relocating from the CQRZ but to a lesser extent than provided for by proposal SUA.2.
19. Greater flexibility is provided in the draft amended Proposal SUA.2 in the SAP in terms of the uses to be accommodated on the site. This allows for B2 (General Industrial) and B8 (Storage and Distribution) uses as well as car dealerships and a bulky goods retail store. Maximum site areas for car

- dealerships and the retail unit are specified but there is to be no restriction on the areas occupied by business uses in any use class. The amended Proposal SUA.2 includes requirements for marketing the site for B1(a) and (b) uses and for businesses in the CQRZ. It also requires part of the site to be identified for CQRZ businesses.
20. The Section 106 Agreement includes a requirement for marketing the site for Class B1 (a) and (b) uses and to businesses wishing to relocate from the CQRZ. Minimum areas of the site for these purposes are defined in the Agreement. They are based on up-to-date information regarding the market and the need for businesses to relocate. These provisions are necessary to meet planning policy requirements and in the interest of ensuring adequate provision is made in the town for new and existing businesses.
 21. Policy CS26 of the CS requires contributions towards local public transport services and Proposal SUA.2 requires provision of a frequent bus service into the development. Policy SSB2 of the NDP requires green travel measures. The Warwickshire Local Transport Plan also seeks the use of developer contributions to provide public transport services to serve new developments. The Section 106 Agreement would secure a contribution which would enable an extension of the number 19 bus service from its existing route into the site and an extension to the timetable for that service. It would cover a 5-year period and is consistent with similar timetable extension provisions that have been provided elsewhere in Warwickshire.
 22. Associated with the extension to the bus service, the Agreement secures provision of two bus stops and one bus shelter, together with their maintenance over a 5-year period. These provisions are necessary to accord with planning policy and to provide for sustainable means of transport to the development.
 23. The improvements to Bishopton roundabout have been agreed by WCC and HE as have their timing and cost. These measures are necessary for highway safety. The Section 106 Agreement secures a financial contribution of £650,000 to fund these measures.
 24. The Agreement also secures payment of a contribution towards biodiversity offsetting in accordance with Policy CS.6 of the CS which requires proposals to minimise impacts on biodiversity and, where possible, secure a net gain in biodiversity. The amount would depend on the on-site provision for biodiversity in each phase and the biodiversity that would be lost using a standard methodology used in the County. The contribution would be necessary in order to fund biodiversity enhancement projects elsewhere. This is subject to an upper limit and the Section 106 Agreement provides two alternatives in this regard. The appellant has demonstrated that, if the upper contribution of £893,168 were paid then the development would be in deficit by £326,587. The Council accepts this position.
 25. In my view, on the basis of the foregoing, the cap should be set at £566,581 to ensure that the biodiversity offsetting contribution is fairly and reasonably related in scale and kind to the development.
 26. For these reasons the provisions in the Section 106 Agreement are necessary, directly related to the development and fairly and reasonably related in scale and kind to it. The proposal accords with Policies CS.6 and CS.26 of the CS

and Policy SSB2 of the NDP which require minimisation of impact on biodiversity and where possible a net gain in biodiversity, sustainable transport provision and green travel measures.

Other Matters

27. The grade II listed Drayton Manor is about 400m to the south-west of the nearest part of the site. This is west of Drayton Manor Drive and grouped with other buildings. The open landscape forms part of the setting of this building but the field on the eastern side of the road would remain. The proposed tree planting around the southern and western boundaries of the site would screen the development from view to a significant extent. For these reasons the setting of that building would not be adversely affected.
28. In Shottery, to the south-east of the site, there are a number of grade II listed buildings and the grade I listed Anne Hathaways Cottage. Its garden is also a Registered Park and Garden. These heritage assets are over 1 km from the site and much of the intervening area has either been developed for housing or has planning permission for development. Because of the distance between those assets and the site and the existing and proposed development on the intervening land, the proposal would not affect the settings of those assets.
29. Assessments have been provided with the application which demonstrate that the development would not result in unacceptable noise to nearby residents, that external lighting could be suitably controlled, and that air quality could be adequately safeguarded. It will however be necessary to require noise assessments for individual industrial occupiers and to control emissions of dust during the construction process. It will also be necessary to control the details of the lighting scheme. These measures can be secured by planning conditions.
30. The Retail Assessment has demonstrated that the proposed bulky goods store would not result in unacceptable adverse impact on the vitality and viability of Stratford town centre and that there are no sequentially preferable sites available. This accord with national policy and with Policy CS.23 of the CS which requires large-scale retail proposals outside the town centre to include a Retail impact Assessment.

Conditions

31. A list of draft conditions has been agreed between the parties and was discussed at the inquiry. I have had regard to the tests set out in paragraph 55 of the National Planning Policy Framework (the Framework) in imposing conditions and made some amendments where necessary to ensure the conditions meet the tests. The appellant has agreed the pre-commencement conditions.
32. It is necessary to specify the plans on which the decision is based in order to provide certainty. Conditions 2, 3 and 4 specify the plans for both the full and outline parts of the permission. Condition 5 specifies the time periods for commencement of the outline part of the scheme and allows a ten-year period for submission of reserved matters applications. This period is necessary to allow for the scale and phasing of the development. The parties agree that the office development is likely to take place over a longer period than provided for in Section 92 of the Town and Country Planning Act 1990 because of the level

- of demand for this type of development. Full details of the phasing require approval to provide certainty and to ensure that the development takes place in a co-ordinated manner. Condition 6 secures this provision.
33. Condition 7 specifies the maximum floorspaces of the individual uses with the exception of car showrooms for which a maximum site area is specified. This is to ensure that the traffic generation would not exceed that which has been modelled and in the interest of highway safety. A Construction and Environmental Management Plan is necessary to ensure that construction works avoid harm to biodiversity, to avoid detrimental impact on highway safety during construction, and to protect the living conditions of nearby residents. Condition 8 secures the necessary measures.
 34. The existing trees and hedges on site that are to be retained must be adequately protected during construction and condition 9 is necessary to secure this. Condition 10 requires submission of a detailed surface water drainage scheme for approval before commencement of development and before each subsequent phase in order that this can be provided at the outset of each phase.
 35. There is potential for archaeological remains to be present and Condition 11 is necessary to secure a programme of archaeological work to ensure that any remains found are adequately recorded.
 36. The location of the site on the edge of the town and adjacent to open countryside means that its appearance must be carefully considered. Policy SSB2 of the NDP includes detailed design requirements which include a landscape-led layout, sensitive external lighting and a high-quality palette of external materials. Condition 12 requires approval of a palette of external materials and is necessary to ensure the development is in accordance with that policy.
 37. Conditions 13 and 14 require that the site access roundabout is provided and that the Billesley crossroads improvements are carried out before the development is occupied. These measures are necessary for highway safety.
 38. The necessary improvements to both the Bishopton roundabout and the Wildmoor roundabout are required when traffic generated by the development reaches 40% of the total. This is expressed in terms of the numbers of two-way passenger car units in each of the morning and afternoon peak hours. It is necessary for traffic update reports to be submitted with each reserved matters application to monitor this. Conditions 16 and 17 secure the submission of those reports and trigger the necessary improvements to Wildmoor and Bishopton roundabouts. The improvements to Bishopton roundabout are secured by means of a financial contribution through the Section 106 Agreement.
 39. Condition 15 secures provision of the proposed pedestrian and cycle link to Alcester Road before the development is brought into use. This is necessary to ensure full accessibility by sustainable means. The design of the link will depend on whether the West of Shottery Relief Road has been built. Alternative schemes have been submitted and the condition provides for completion of the appropriate scheme.

40. Condition 18 secures provision of access and parking facilities in the interest of highway safety. The provision of electric vehicle charging points would facilitate the use of sustainable means of transport as required by Policy CS.26 of the CS and Policy SSB2 of the NDP and condition 19 is included to secure such provision. A Workplace Framework Travel Plan has been submitted but a more detailed Employment Travel Plan is necessary to ensure opportunities for use of sustainable transport modes are maximised. Condition 20 secures this.
41. The submitted Design and Access Statement sets out design principles for the development and includes a checklist for reserved matters applications. This acts as a design guide for the development. Adherence to this approach is necessary to ensure that appearance, means of access, landscaping, layout and scale are acceptable and condition 21 is included to this effect. Condition 22 requires approval of proposed ground and finished floor levels to ensure the appearance of the development is acceptable.
42. A detailed structural landscaping scheme and details of its establishment and management have been submitted as part of the application. Conditions 23 and 24 secure the implementation of the approved scheme, its establishment and ongoing management. Separately from this it is necessary to ensure management of the planting to encourage biodiversity and Condition 25 secures this.
43. The submitted Ecological Mitigation Strategy sets out the mitigation measures that are necessary to protect wildlife. Condition 26 secures the implementation of those measures. Details of external lighting require approval in order to ensure that lighting is controlled and that this does not harm biodiversity or living conditions of nearby residents. Condition 27 requires submission and approval of a lighting scheme for these reasons.
44. Any noise from industrial activities including car workshops associated with showrooms would need to be adequately controlled to avoid any harmful effect on living conditions. Each reserved matters application should be accompanied by a noise assessment to determine the need for any noise mitigation measures. This requirement is included in condition 29. Condition 28 requires provision of the proposed acoustic fence adjacent to development zone 1A in order to safeguard the living conditions of nearby residents from noise and to ensure the appearance of the development is acceptable.
45. Finally, conditions 30 and 31 are necessary to safeguard against flooding and to ensure that the surface water drainage systems are adequately maintained.
46. The suggested conditions as discussed at the inquiry include one requiring provision of fire hydrants. It was agreed at the inquiry however that this requirement is covered by Building Regulations and so there is no need for me to impose a condition in this regard.
47. The Council has suggested the inclusion of a condition which would remove permitted development rights for gas compounds, electricity substations, buildings for the purposes of electronic communications and water pumping stations. The Planning Practice Guidance states that blanket removal of such rights is unlikely to meet the tests of reasonableness and necessity. While I note the Council's concern about the appearance of such utility structures, I find that this suggested condition has not been justified in terms of the tests in the Framework and so have not included it.

Conclusions

48. The proposed development accords with development plan policies including the detailed requirements of Policy SSB2 of the NDP. However, it does not accord with the detailed requirements of Proposal SUA.2 of the CS and in this respect is at odds with Policy SSB2 which supports that Proposal. Proposal SUA.2 is an important policy for determining the application.
49. The Council acknowledges that Proposal SUA.2 of the CS is out-of-date. Paragraph 11 (d) of the Framework provides for permission to be granted in these circumstances unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
50. It has been demonstrated that adverse impacts of the development can be adequately mitigated and that the required mitigation measures can be secured by means of planning conditions and the Section 106 Agreement. The net effect would be to reduce adverse effects to a minimal level.
51. I have found that a reduced cap on the biodiversity offsetting contribution is justified. Because this would lower the contribution from the calculated maximum value this could reduce the contribution to biodiversity in compensation for that lost but this would depend on a number of factors including the nature and cost of any off-setting schemes and the amount of provision to be made on site. This potential adverse impact is unlikely to be of any more than limited weight.
52. The proposal would result in harm to the landscape through the extension of built development, but screening would be provided through structure planting and the site is allocated for development in the development plan. The landscape is not subject to any designation. For these reasons, any landscape harm would be of limited weight. The development would also result in loss of agricultural land but this is not of the highest quality and I give this limited weight.
53. On the other hand, the benefits of the development to the economy would be substantial, in terms of the provision of employment and associated economic benefits. The proposal would provide an opportunity for businesses to relocate from the CQRZ and in doing so would allow for the regeneration of that area. I give very substantial weight to these benefits and this is not outweighed by the limited weights that I have given to the adverse impacts.
54. Because the proposal is not consistent with the existing Proposal SUA.2 of the CS which is an important policy, the proposal would not accord with the development plan when considered as a whole. However, for the reasons given there are important material considerations that indicate that my decision should be otherwise than in accordance with the plan.
55. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul G Tucker, of Queens Counsel instructed by Damien Holdstock of Turley

He called

Greg Jones BA (Hons), MSc, MIHT Associate Partner, i-Transport LLP

Damien Holdstock BSc (Hons), MA, MRTPI Associate Director, Turley

FOR THE LOCAL PLANNING AUTHORITY:

Gary Grant, of Counsel instructed by the Solicitor for Stratford-on-Avon District Council

He called

Ben Simm MPlan, MRTPI Senior Development Management Engineer,
Warwickshire County Council

Alice Cosnett BSc (Hons), MSc, MRTPI Senior Planner, Stratford-on-Avon District Council

INTERESTED PARTY:

Mark Cargill County Councillor, Alcester Division and
District Councillor, Alcester and Rural ward

DOCUMENTS SUBMITTED DURING THE INQUIRY:

- 1 Opening submissions on behalf of the appellant
- 2 Opening statement on behalf of the local planning authority
- 3 Statement of Mark Cargill
- 4 Marketing Plan
- 5 Letter from i-Transport to Councillor M Cargill dated 29 August 2019
- 6 Draft Conditions – Post Inquiry Update
- 7 Landscape and Ecological Management Plan Ref RT-MME-130849-02 (May 2019)
- 8 Section 106 Agreement between IM Properties Development Ltd, Stratford-on-Avon District Council and Warwickshire County Council
- 9 Addendum to Council's Statement addressing the tests on obligations arising under Regulation 122 of the Community Infrastructure Levy Regulations 2010
- 10 Letter from CWA to Warwickshire County Council dated 2 February 2018
- 11 Drainage Layout plan 106317-500B
- 12 Traffic Signs and Road Markings plan 106317-1200A
- 13 Traffic Signs and Road Markings plan 106317-1201B

SCHEDULE OF CONDITIONS

- 1) The new roundabout access from the A46, spine road, engineering operations comprising ground re-profiling, structural landscaping and associated development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development described in condition 1 shall be carried out in accordance with the following approved plans:

15100 – P001B	Site Location & Red Line Boundary
15100 – F044F	Infrastructure Plan
106317 – 100F	General Arrangement
106317 – 101	Footpath/Cyclepath Link General Arrangement
106317 – 500B	Drainage Plan
106317 – 800	Longitudinal Sections Sheet 1 of 4
106317 – 801	Longitudinal Sections Sheet 2 of 4
106317 – 802	Longitudinal Sections Sheet 3 of 4
106317 – 803	Longitudinal Sections Sheet 4 of 4
106317 – 900	A46 West Cross Sections
106317 – 901	A46 East Cross Sections
106317 – 902	West-East Bound Cross Sections
106317 – 903	South-West Bound Cross Sections
106317 – 904	East -South Bound Cross Sections
106317 – 905	Roundabout Cross Sections
106317 – 906	Side Road Cross Sections
106317 – 907	Site Access Cross Sections
106317 – 1000	Contours Plan
106317 – 1200A	Traffic Signs and Road Markings
106317 – 1201B	Traffic Signs and Road Markings
106317 – SK015	Retaining Wall Detail
CWA-15-341-610-P3	Strategic Infrastructure Proposed Levels
CWA-15-341-611-P1	Strategic Infrastructure Cross Sections
CWA-15-341-615-P3	Strategic Infrastructure Proposed Isopachyte
CWA-15-341-620-P3	Strategic Infrastructure Proposed External Works
CWA-15-341-625-P1	Strategic Infrastructure Proposed External Details
CWA-15-341-630-P3	Strategic Infrastructure Proposed Drainage Strategy
CWA-15-341-635-P1	Strategic Infrastructure Proposed Drainage Details
EDP3583_d13J	Detailed Landscape Plan (Sheet 1 to 14 and Overview)

EDP3583_16A	Landscape Cross Sections
GB01T17F88-I-01	Culvert No. 1 General Arrangement
GB01T17F88-I-02	Culvert No. 2 General Arrangement
GB01T17F88-I-03	Culvert No. 3 General Arrangement
Q10408-E501-P6 Layout	Access Roadway – Proposed External Lighting
15100 – F058A	Pumping Station
CWA-15-341-710-P1	Scenario 2 Proposed Levels
CWA-15-341-715-P1	Scenario 2 Proposed Isopachyte
EDP3583_d024 Structural Planting	Representative Detailed Planting Pattern for

- 3) The mixed use business park comprising offices (B1a), research and development (B1b), light industry (B1c), general industrial (B2), storage and distribution (B8), car showrooms (sui generis) and bulky goods store (A1), café / amenity facilities (A1/A3), internal roads, car parking, service yards, pedestrian and cycle infrastructure and associated development hereby permitted shall be carried out in accordance with the following approved plan: 15100 F036M Parameters Plan.
- 4) Details of the appearance, landscaping, layout, and scale of any plot within each Development Zone as set out on the Parameters Plan 15100 F036M, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 5) The first application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. Thereafter, all other applications for approval of reserved matters shall be made to the local planning authority not later than 10 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 6) Prior to the submission of the first reserved matters application, a phasing strategy for the construction of the development, to include a phasing plan showing the parcels of land which will be the subject of separate reserved matters application(s) shall be submitted to and approved in writing by the local planning authority. Reserved matters applications shall conform to the most recently approved phasing strategy. Development shall be carried out in accordance with the approved phasing strategy.
- 7) The maximum quantum of development shall not exceed the following:
 - Car showrooms (sui generis): 5.43ha (gross)
 - A1 Retail (bulky goods): 7,432 sq m (GIA)
 - A3 Café: 350 sq m (GIA)
 - B1a/b Office/Research & Development: 13,006 sq m (GIA)
 - B1c/B2 Light Industry/General Industrial: 6,002 sq m (GIA)

- B8 Storage and Distribution: 24,006 sq m (GIA)

- 8) Prior to the commencement of development, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include:
- a. a risk assessment of potentially damaging construction activities;
 - b. identification of biodiversity protection zones;
 - c. practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (including dust);
 - d. the location and timing of sensitive works to avoid harm to biodiversity features;
 - e. a protected species mitigation/compensation strategy, including updated survey work where appropriate and any mitigation/compensation measures;
 - f. the times during construction when specialist ecologists need to be present on site to oversee works, if necessary;
 - g. responsible persons and lines of communication;
 - h. the role and responsibilities on site of an ecological clerk of works;
 - i. use of protective fences, exclusion barriers and warning signs;
 - j. measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - k. details of site operative parking areas, material storage areas and suitable operatives facilities (offices, toilets etc.)
 - l. arrangements for unloading and manoeuvring of delivery vehicles; and
 - m. details of any temporary construction accesses, routing of construction traffic and details of the reinstatement of land following the closure of such temporary accesses.

The measures set out in the approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 9) No site clearance or building operations of any type shall commence or equipment, machinery or materials brought onto site until a scheme for the protection of existing trees and/or hedges that are to be retained has been submitted to and approved in writing by the local planning authority and fully implemented in accordance with the approved scheme. The tree/hedge protection measures within the scheme shall include and make reference to:

- a. the submission of a Tree Protection Plan and appropriate working methods – the Arboricultural Method Statement in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations;
- b. the management regime for the retained hedgerow along the A46 frontage; and
- c. details of the erection of stout protective fencing in accordance with BS5837:2012, Clause 6.2, with its location clearly shown on the submitted Tree Protection Plan.

The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site.

Furthermore, the following work shall not be carried out within the Root Protection Area (RPA) of any retained tree or hedgerow, except with the prior written approval of the local planning authority:

- i) no materials, equipment, machinery or structure shall be attached to or supported by a retained tree or hedgerow, nor stored or stacked within said RPA;
 - ii) no mixing of cement or use of other contaminating materials or substances shall take place within, or close to, a RPA that seepage or displacement could cause them to enter a RPA;
 - iii) No fire shall be lit within any RPA or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of any retained tree or hedgerow within or adjacent to the site as per the requirements of BS5837:2012;
 - iv) Levels shall not be raised or lowered in relation to the existing ground level within the RPA of any retained tree or hedgerow;
 - v) No roots shall be cut, trenches dug or soil removed within the RPA of any retained tree or hedgerow;
 - vi) No buildings, roads or other engineering operations shall be constructed or carried out within the RPA of any retained tree or hedgerow; and
 - vii) No vehicle shall be driven over the area within the RPA of any retained tree or hedgerow.
- 10) Prior to the commencement of any phase of development, a detailed surface water drainage scheme for that phase of development, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall:
- a. Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - b. Where flooding occurs on-site to store the 1 in 100 year climate change event, details shall be provided of the

storage capacity required outside of the proposed formal drainage system.

- c. Details of the depths and locations of flooding shall be provided. Where the depths may be unsafe, hazard mapping may be required to ensure the development remains safe to users of the site.
- d. Demonstrate detailed design (plans, network details and calculations) in support of the 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.
- e. Provide plans and details showing the allowance for exceedance flow and overland flow routing, to reduce the impact of an exceedance event.

The scheme shall be implemented in accordance with the approved details prior to first use of any part of the development hereby approved and shall be retained thereafter.

The drainage layout for the site access roundabout on the A46 shall be in general accordance with the Drainage Layout drawing 106317-500 Rev B, ensuring that there is no connection (direct or indirect) to the trunk road drainage system.

- 11) No development shall take place until a programme of archaeological work has been secured in accordance with a written scheme of investigation and timetable which has been submitted to and approved in writing by the local planning authority. The agreed programme of work shall be implemented in full accordance with the written scheme of investigation and timetable.
- 12) In respect of each phase of development, no development shall commence until a palette of all external materials (with samples as deemed necessary by the local planning authority) and materials plan for that phase have been submitted to and approved in writing by the local planning authority. The development of the phase shall thereafter be carried out in accordance with the approved materials palette, samples and materials plan.
- 13) Prior to first use of any of the building(s) approved through reserved matter(s), the site access roundabout on the A46 shall be completed in accordance with the approved drawing no. 106317-100F (or as amended by Road Safety Audit or Section 278 Agreement). Full details of any proposed alterations to the existing culvert shall be submitted to and approved in writing by the local planning authority prior to commencement of development of the site access roundabout.
- 14) Prior to first occupation of the development the highway improvement scheme at A46/Billesley Road/Church Bank shall be completed in accordance with approved drawing no. 106317-SK16 Rev F (or as amended by Road Safety Audit or Section 278 Agreement).

- 15) Prior to first use of any of the building(s) approved through reserved matter(s), the new pedestrian and cycle link between the development and the A422 Alcester Road shall be completed in accordance with approved drawing no. 106317-101 (or as amended by Road Safety Audit or Section 278 Agreement), or in the case that the improvements associated with the West of Shottery Relief Road have been implemented, in accordance with approved drawing no. 106317-SK21D (or as amended by Road Safety Audit or Section 278 Agreement).
- 16) As part of the submission of each reserved matters application, a Transport Update Report to identify the cumulative traffic generation of the phased development against the agreed two-way peak hour (08:00 – 09:00 hours and 17:00 – 18:00 hours) traffic generation expressed in Passenger Car Units shall be submitted to and approved in writing by the local planning authority.
- 17) Prior to the occupation of any phase of the development which meets or exceeds either 264 two-way Passenger Car Unit (PCU) trips in the AM peak hour (08:00 – 09:00 hours) or 283 PCU trips in the PM peak hour (17:00 – 18:00 hours) (those figures being 40% of the agreed total development traffic generation) the highway improvement scheme at Wildmoor Roundabout shall be completed in accordance with the approved drawing no. 106317-SK21 Rev D (or as amended by Road Safety Audit or Section 278 Agreement), or in the event that the West of Shottery Relief Road does not come forward, an alternative scheme which shall have previously been submitted to and approved in writing by the local planning authority.
- 18) As part of the submission of each reserved matters application relating to layout, details of vehicle and cycle parking (including arrangements for persons with mobility impairments/disabilities) serving all buildings within that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the approved parking facilities shall be available for use prior to the first occupation of any building within that phase and thereafter retained for such parking use.
- 19) As part of the submission of each reserved matters application relating to layout, details of the amount, location and specification of proposed electric vehicle charging points (EVCPs) and/or associated cabling to facilitate subsequent installation of those EVCPs to be installed shall be submitted to and approved in writing by the local planning authority. The EVCPs or associated cabling shall be implemented in accordance with the approved details before each building and associated parking area is first brought into use and retained thereafter.
- 20) Prior to the first use of any of the building(s) approved through reserved matter(s), a site-wide Employment Travel Plan in accordance with the Workplace Framework Travel Plan Ref ITY11256-008C dated 1 December 2017 shall be submitted to and approved in writing by the local planning authority. The submitted details shall:
 - a. Identify measures to promote sustainable forms of access to the site;
 - b. Specify targets for mode share shifts to be achieved and a time period to achieve this; and

- c. An action plan demonstrating how the measures and targets are to be achieved.

The Employment Travel Plan shall be implemented and monitored in accordance with the approved details.

- 21) As part of the submission of each reserved matters application, a Design and Access Compliance Statement shall be submitted to demonstrate how the submission accords with the 'Checklist for Reserved Matters' included at Section 13 'Design Guide' of the Design and Access Statement (Revision G dated June 2018).
- 22) As part of the submission of each reserved matters application relating to layout and landscaping, details of existing and proposed site levels to include finished floor levels for all buildings shall be submitted to and approved in writing by the local planning authority. The development of that phase shall be carried out in strict accordance with the approved details.
- 23) The structural landscaping hereby approved shall be commenced in accordance with the approved landscaping details within the first planting season following the commencement of the development (excluding site access) and shall be completed during the first planting season following first occupation. The landscaping shall be managed in accordance with the Landscape Management Plan Ref L_EDP3583_04a dated November 2017.
- 24) With the exception of any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans, if within a period of five years from the date of completion of the landscaping hereby approved, or approved through subsequent reserved matters approvals, any retained or new tree, hedge or shrub is felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.
- 25) The management of the strategic landscaping areas shall be carried out in accordance with the Updated Landscape and Ecological Management Plan Ref RT-MME-130849-02 Rev A (May 2019).
- 26) The development shall take place strictly in accordance with the Updated Framework Ecological Mitigation Strategy Ref RT-MME-130849-01 rev A (May 2019).
- 27) In respect of each phase of development, no building(s) within that phase shall be brought into use until a scheme for external lighting within that phase has been submitted to and approved in writing by the local planning authority. The scheme for external lighting shall include:
 - a. a layout plan detailing the position and type of any proposed external lighting;
 - b. mounting heights and beam orientation, description and type of lamps/luminaires and angle of lighting and predicted light spill beyond the site;

- c. proposed times of operation of the lighting in the scheme including details of any control such as movement detectors and timers; and
- d. details of the purpose of the lighting.

The lighting scheme for each phase shall be carried out in accordance with the approved details and retained thereafter. No other external lighting shall be installed.

- 28) The 3m high acoustic fence to be erected to the southern side of the spine road into the development hereby approved (to the north of the attenuation pond) shall be installed prior to the first use of any of the building(s) located in Development Zone 1A (as annotated on the Parameters Plan no. 15100 F036M). The acoustic fence shall be installed and retained in accordance with the details provided in the EDP Landscape Technical Note Ref. edp3583_r007b_200618.
- 29) Any reserved matters application for B1(c), B2, B8 and Sui Generis (car showrooms) floorspace shall be accompanied by a noise assessment to assess the need for noise mitigation measures. The approved measures shall be implemented prior to any building to which the noise mitigation measures relate being brought into use, and retained thereafter.
- 30) The development hereby permitted shall be carried out and retained strictly in accordance with the document entitled Flood Risk Assessment and Drainage Strategy dated November 2017 and the CWA letter ref. OP/EC/CWA/15/341 dated 2 February 2018 to include the following mitigation measures:
 - a. limit the discharge rate generated by all rainfall events up to and including the 100 year plus 20% (allowance for climate change) critical rain storm to 95 l/s for the entire site;
 - b. provision of surface water attenuation storage for the main site infrastructure in general accordance with the Flood Risk Assessment which sets out 1,445 m³ of storage, and for each individual plot in accordance with 'Science Report SC030219 Rainfall Management for Developments';
 - c. surface water drainage from each individual plot 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.

- 31) Prior to the first use of any of the building(s) approved through reserved matter(s), a detailed maintenance plan, to provide details of how the surface water systems will be managed and retained for the lifetime of the development, shall be submitted to and approved in writing by the local planning authority. The maintenance plan shall include the name of the party responsible. The surface water system(s) shall be managed and retained in accordance with the approved details.

