

Subject: RE: Land NE J10 M42 Appeal - Landscape SoCG

Caution: Warning external email

Andrew

Further to your email dated 26 April 2024, I have discussed your queries with our consultant team and respond to each of your points as follows (my responses in red). I will provide our tracked changes and comments in response to your / LUC comments on the draft Landscape SoCG (LSoCG) under separate cover.

"I write on behalf of the Borough Council with particular regard to your paragraph 1.11 in which you say you would be happy to consider a discussion to establish a maximum ridge/parapet and eaves height as a pragmatic way forward. This is in response to our concern that your photomontage evidence is not reflecting the maximum heights of the proposed buildings, because they show sloping roof lines. We are in your hands as to what proposed eave heights you are proposing, as it is your proposal. But please feel free to suggest what you have in mind. One matter which will need to be addressed is how one drafts a condition which does not simply create a lower eaves height at the edge of the building, and then creates a roof with a height close to the maximum across most of the rest of the building. We would therefore ask you to give that matter some consideration so that the curved roof line in the images are properly and fully controlled in the condition, and not just subject to an maximum eaves and ridge height.

In addition, we note that you are not proposing to provide details of the finished floor levels (FFL) at this stage. You rely on draft condition 13 to this effect. We see this as problematic in terms of properly assessing the impact of the proposal. The buildings are a three-dimensional expression of the volume. The height of the building is key part of that volume and yet without FFL, we cannot know how tall the actual buildings will be, even if the overall height is controlled by an AOD maximum height. Buildings could be made taller by cutting deeper into the land. So we do think that for the properly analysis of the impact, we do need to know the FFL, so that the actual heights of the buildings (i.e. how tall they are) can be established now for the purpose of assessment. Final exact full details of FFL can be provided at a later stage through the condition, assuming they fall within the parameters that are assessed and do not represent a worse case than that examined through the appeal process, but we do need to know the FFL and modelled heights now for the purpose of understanding the visual impact of the proposed buildings."

From a landscape and visual impact perspective, the key requirements for undertaking an assessment of the proposed buildings are: a) an indicative masterplan showing the proposed location/siting/footprint of buildings; b) proposed FFLs of buildings; and c) maximum building heights.

The submitted Parameters Plan (**CD-B37**) establishes a maximum AOD of 117.8m for buildings within Plot A1. In terms of the FFLs and maximum building heights assessed in the two assessments, I can confirm the following:

- i) Environmental Statement (ES) submitted with the application in December 2021 (**CD-B1, CD-B7 and CD-B8**) – assessment of an illustrative single unit scheme;
 - a. Source/assessment location: ES LVIA, Design & Access Statement (DAS) (**CD-B34**) and Design Guide (DG) (**CD-B35**).
 - b. Wirelines based on plan ref: 4263-CA-00-00-DR-A-00054/P9 (comprising a single building of 1m sqft+), as set out within the DAS (**CD-B34**).
 - c. Appendix 11.2 of the ES (**CD-B7**) confirms that the wirelines based on the aforementioned plan were at a maximum height of 117.8m AOD.
 - d. In order to assess a worst-case scenario for this particular illustrative scheme, the maximum AOD of 117.8m shown on the Parameters Plan was used. **Based on a maximum AOD of 117.8m and a maximum building height of 21m, the FFL would be 96.8m AOD.**
- ii) The subsequent assessment of the illustrative three unit scheme (assessment contained at Appendix A (Assessment of Potential Visual Effects) contained in SLR technical note ref: 403.11077.00001 Rev 04 (dated 20 March 2024)):

- a. Source/assessment location: Type 3 photomontages and Wirelines (from Viewpoints 8 and 9) (CD-B31), Appendix A (Assessment of Potential Visual Effects) contained in SLR technical note ref: 403.11077.00001 Rev 04 (dated 20 March 2024),
- b. The illustrative three unit scheme shown on plan ref: 4263-CA-00-00-DR-A-00090/SK5 (comprising buildings of 338k sqft, 272k sqft and 293k sqft) (CD-B28) was submitted in July 2023.
- c. The corresponding elevations (CD-B29) clearly show the three units with maximum roof height of 21m.
- d. In order to assess a worst-case scenario for this particular illustrative scheme, the maximum AOD of 117.8m shown on the Parameters Plan was used. **Based on a maximum AOD of 117.8m and maximum building heights of 21m for all three units, the FFL would be 96.8m AOD.**

With maximum building heights of 21m and an AOD of 117.8m, both assessments undertaken present a **worst-case scenario** in terms of building heights for the purposes of LVIA assessments.

As we have already stated, the appeal relates to an outline planning application with approval of access in detail and all other matters reserved. The outline application seeks to establish maximum development parameters that would be secured by planning conditions (as evidenced in the draft conditions schedule at Appendix C of the agreed SoCG with NWBC (CD-D13)). The Parameters Plan (CD-B37), which is proposed to be secured by draft condition 8, refers to a maximum building height of 117.8m AOD within Plot A1. Other details such as detailed building design/appearance, layout and scale (including heights) would be dealt with at the Reserved Matters stage (as is clearly required by draft condition 1) and confirmation of finished floor levels of proposed buildings would be dealt with via condition (as required by draft condition 13).

As such, we do not consider it to be necessary to require a further condition limiting building heights, nevertheless, if NWBC believes that such a condition is necessary to make the scheme acceptable in planning terms then we would suggest the following wording which aligns with the submitted Type 3 photomontages (CD-B31):

“The maximum height of any building shall be no more than 21m above finished floor level. The maximum overall height of any building shall be no more than 117.8m AOD. The maximum overall height of any eaves at façade/wall of any building will be no higher than 113.65m AOD.”

“The added concern here also relates to the heights of the bunds which are proposed, which again ought to be judged against the actual FFL of the buildings to allow a proper consideration of this part of the mitigation. The bunds themselves will be large structures in the landscape and their proposed height and angles are important.”

The precise form and design of proposed bunding would be agreed at the Reserved Matters stage. The bunds illustrated on the illustrative cross sections (CD-B30), illustrative landscape sections (CD-B15), Type 3 Photomontages (CD-B31) and standalone wirelines (also at CD-B31), Design and Access Statement (CD-B34) and Design Guide (CD-B35) are shown as having a maximum height of 5 metres above existing ground level, with outer gradients of between 1:5 and 1:6 and inner gradients of 1:3.

Nevertheless, if necessary, the Appellant would be willing to agree to a condition limiting the maximum height and gradient of any landscaped bunds. We suggest the following draft condition wording:

“The maximum height of any landscaped bunds shall be 5m above existing ground level in the location in which they are to be formed. The inner gradients of any landscaped bunds shall be no steeper than 1:3. The outer gradients of any landscaped bunds shall be no steeper than 1:5.”

“Finally, you indicate that the proposed tree planting is a matter to be discussed after planning permission has been secured. But again, for the purpose of assessing the landscape impact of the proposal, we think the identification of the proposed species and their proposed location is important now. Species choice directly impacts on the efficacy and appropriateness of the mitigation, in terms of fit with landscape character. Growth rates and canopy spread vary for different species. We would therefore please ask that you provide more detail on the proposed tree planting in a draft tree planting proposals document, which can then be incorporated into any planning permission by way of condition. The condition could require the planting to be in general accordance with the draft tree planting proposals.”

The submitted DAS (CD-B34) (at paragraph 7.14.3 and Appendix 11) and Design Guide (CD-B35) (at Appendix 11.0) both include a proposed species list for the native woodland, hedgerow and shrub planting. The Design Guide would be secured by condition (as evidenced in the draft conditions schedule appended to the SoCG agreed with NWBC (CD-D7)), which in turn would secure a requirement for detailed landscaping proposals (to be provided/assessed at reserved matters and condition discharge stage) to be based on the proposed species list set out in the Design Guide.

“We are in the process of responding to the SCG and it would be helpful to have clarity on these matters early next week. In the meantime however, I should indicate that we are not proposing to agree the Appendix A document as part of the SCG process. The report is, as we understand it, designed to support your photomontages provided in the

summer last year. Our consultants were very surprised to see it for the first time only a few weeks ago. It is plainly new evidence. You are of course free to submit that report as part of your evidence. But it is not the case that we are required to just agree all your conclusions. Our consultants do need time to properly consider the way in which your case is now articulated, which is plainly different from the original LVIA.”

Regarding SLR technical note ref: 403.11077.00001 Rev 04 (dated 20 March 2024) issued alongside the draft Landscape SoCG, to clarify, the Assessment of Potential Visual Effects contained at Appendix A of this document is an updated assessment based upon the illustrative scheme, Type 3 photomontages and Wirelines submitted in July 2023 and was prepared by SLR in response to the LUC response dated August 2023 (only issued to us in December 2023). The LUC response provided comments on the Type 3 photomontages and so it is appropriate that the Appellant provided its own assessment of potential visual effects in response, hence the SLR technical note dated March 2024 was issued alongside the Landscape SoCG to provide NWBC and LUC with sight of the updated assessment undertaken. In any case, the updated assessment will also form part of the Appellant's landscape evidence.

I trust the above clarifies matters.

Kind regards



Confidential

This message, including any document or file attached, is intended only for the addressee and may contain privileged and/or confidential information. Any other person is strictly prohibited from reading, using, disclosing or copying this message. If you have received this message in error, please notify the sender and delete the message. Thank you. WSP UK Limited, a limited company registered in England & Wales with registered number 01383511. Registered office: WSP House, 70 Chancery Lane, London, WC2A 1AF.

From: Warrington, James

Sent: Monday, April 29, 2024 4:35 PM



Andrew

Thank you for your email.

I note that you have requested a response in the early part of this week. As we will need to discuss your email with our consultant team, we will provide a response to you later this week.

Kind regards



Confidential

This message, including any document or file attached, is intended only for the addressee and may contain privileged and/or confidential information. Any other person is strictly prohibited from reading, using, disclosing or copying this message. If you have received this message in error, please notify the sender and delete the message. Thank you. WSP UK Limited, a limited company registered in England & Wales with registered number 01383511. Registered office: WSP House, 70 Chancery Lane, London, WC2A 1AF.





Afternoon James,

Thank you very much for your Explanatory Note – Landscape and Design dated yesterday - 25 April 2024, which details your response to what was said at the Case Management Conference on a number of matters.

I write on behalf of the Borough Council with particular regard to your paragraph 1.11 in which you say you would be happy to consider a discussion to establish a maximum ridge/parapet and eaves height as a pragmatic way forward. This is in response to our concern that your photomontage evidence is not reflecting the maximum heights of the proposed buildings, because they show sloping roof lines. We are in your hands as to what proposed eave heights you are proposing, as it is your proposal. But please feel free to suggest what you have in mind. One matter which will need to be addressed is how one drafts a condition which does not simply create a lower eaves height at the edge of the building, and then creates a roof with a height close to the maximum across most of the rest of the building. We would therefore ask you to give that matter some consideration so that the curved roof line in the images are properly and fully controlled in the condition, and not just subject to an maximum eaves and ridge height.

In addition, we note that you are not proposing to provide details of the finished floor levels (FFL) at this stage. You rely on draft condition 13 to this effect. We see this as problematic in terms of properly assessing the impact of the proposal. The buildings are a three-dimensional expression of the volume. The height of the building is key part of that volume and yet without FFL, we cannot know how tall the actual buildings will be, even if the overall height is controlled by an AOD maximum height. Buildings could be made taller by cutting deeper into the land. So we do think that for the properly analysis of the impact, we do need to know the FFL, so that the actual heights of the buildings (i.e. how tall they are) can be established now for the purpose of assessment. Final exact full details of FFL can be provided at a later stage through the condition, assuming they fall within the parameters that are assessed and do not represent a worse case than that examined through the appeal process, but we do need to know the FFL and modelled heights now for the purpose of understanding the visual impact of the proposed buildings.

The added concern here also relates to the heights of the bunds which are proposed, which again ought to be judged against the actual FFL of the buildings to allow a proper consideration of this part of the mitigation. The bunds themselves will be large structures in the landscape and their proposed height and angles are important.

Finally, you indicate that the proposed tree planting is a matter to be discussed after planning permission has been secured. But again, for the purpose of assessing the landscape impact of the proposal, we think the identification of the proposed species and their proposed location is important now. Species choice directly impacts on the efficacy and appropriateness of the mitigation, in terms of fit with landscape character. Growth rates and canopy spread vary for different species. We would therefore please ask that you provide more detail on the proposed tree planting in a draft tree planting proposals document, which can then be incorporated into any planning permission by way of condition. The condition could require the planting to be in general accordance with the draft tree planting proposals.

We are in the process of responding to the SCG and it would be helpful to have clarity on these matters early next week. In the meantime however, I should indicate that we are not proposing to agree the Appendix A document as part of the SCG process. The report is, as we understand it, designed to support your photomontages provided in the summer last year. Our consultants were very surprised to see it for the first time only a few weeks ago. It is plainly new evidence. You are of course free to submit that report as part of your evidence. But it is not the case that we are required to just agree all your conclusions. Our consultants do need time to properly consider the way in which your case is now articulated, which is plainly different from the original LVIA.



Andrew Collinson

Principal Development Control Officer
North Warwickshire Borough Council

Social:     



Any opinions expressed in the email are those of the individual and not necessarily those of North Warwickshire Borough Council.

This email and any files with it are confidential and solely for the use of the intended recipient. If you are not the intended recipient or the person responsible for delivering to the intended recipient, please be advised that you have received this email in error and that any use is strictly prohibited.

Subject: RE: Land NE J10 M42 Appeal - Landscape SoCG

Importance: High

Caution: Warning external email

Andrew

Further to my emails below (dated 27 March and 4 April 2024) in which I issued the draft Landscape SoCG (LSoCG) for comment/review, please find attached an 'Explanatory Note – Landscape & Design', as requested at the Case Management Conference (CMC) and which we agreed to provide by no later than 26 April 2024.

The Note provides explanatory statements in respect of landscape matters and specifically in response to paragraphs 28 and 29 of the Inspector's CMC Summary Note dated 28 March 2024. The Note is also intended to assist with preparation of the LSoCG.

With regards the LSoCG, noting that the Inspector set a deadline for the submission of an agreed LSoCG by **7 May 2024**, please can you provide your comments on the draft (attached again for ease) as soon as possible so that we can review and provide comments/amendments in return before reaching a point that the LSoCG can be finalised/agreed and issued to PINS.

Please can you confirm receipt of the Explanatory Note attached and a likely timeframe for providing your comments on the draft LSoCG?

Kind regards