

Application No: [W 21 / 0179](#)

Town/Parish Council: Leamington Spa  
Case Officer: Helena Obremski

Registration Date: 15/02/21  
Expiry Date: 17/05/21

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**Former Mothercare Unit, Leamington Shopping Park, Tachbrook Park Drive, Warwick, CV34 6RH**

Demolition of existing building and erection of a food retail store (Class E(a)) with associated car parking, servicing and landscaping, off Tachbrook Park Drive.  
FOR Aldi Stores Limited

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This application is being presented to Committee due to the number of objections received.

**Recommendation**

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed in the report and subject to a satisfactory legal agreement being agreed to secure a financial contribution for cycle infrastructure improvements and securing the use of the neighbouring 'Aldi' site to a non-food retail unit.

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the legal agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

**Should a satisfactory Section 106 Agreement not have been completed by 14 September 2021, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.**

**Relevant Planning History**

There is no planning history for this site which is relevant to the assessment of this application.

**The Site and its Location**

The application relates to a redundant retail unit (now use Class E), which was formerly occupied by Mothercare, at an out of town shopping centre within Leamington Spa. The red line site plan also incorporates a modest area of parking currently used by the existing Aldi foodstore to the east of the application site. The car parking area serving the application property is shared with another large retail

unit, positioned to the north west of the application site, which is also owned by the applicant.

Whitnash and Heathcote are located further to the north, south and east of the application and the site is bound to the west by the extensive Leamington Shopping Park.

### **Details of the Development**

The application seeks planning permission for the proposed demolition of the existing building and the erection of a food retail store (Class E(a)) with associated car parking, servicing and landscaping. The foodstore is to be occupied by Aldi Stores Ltd and the planning statement informs that the existing Aldi store neighbouring the application site would cease operation on the commencement of use of the proposed development.

The application proposes the erection of a Class A1 foodstore (1,315 sq. m net retail sales area) with associated car parking and access. The scheme provides 170 car parking spaces which will be shared with the neighbouring retail unit. 6 charging electric vehicle points are also provided and cycle parking spaces will also be provided near the proposed store entrance. Hard and soft landscaping is also proposed within the scheme, with planting provided as an edge to the car parking areas and around the site boundary that will be retained from the existing.

### **RELEVANT POLICIES**

- National Planning Policy Framework

#### Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- NE5 - Protection of Natural Resources
- TCP1 - Protecting and Enhancing the Town Centres
- TC2 - Directing Retail Development
- FW2 - Sustainable Urban Drainage
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements

#### Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** No objection, subject to no objection from WCC Highways on traffic management and provision of required information to the LLFA. Comments regarding traffic flow information and access.

**Councillor Chilvers: Neutral:** I am very disappointed that Aldi are trying to extricate themselves from the requests for cycling infrastructure. They caused traffic chaos on their current site and so making it safer to travel walking and cycling around the new site is crucial to reduce vehicle journeys and preventing the same problems occurring on Tachbrook Park Drive. Completing connectivity in the area is important for pedestrian / cycling confidence and safety. All of the 3 identified cycle route improvements are necessary for pedestrian and cyclist safety.

However, to complete route 3 link the crossing opposite the current Aldi should be upgraded to a toucan and the few yards of missing path to Queensway added. The map Aldi provide does not show this gap. This should be included in the request and I ask the planning committee to attach a condition to this end.

There is also a small (a few yards) missing gap on the cycle network at the South west corner of the site, where cyclists are meant to dismount and remount. Again this gap is not shown on the Aldi map. This could easily and cheaply be addressed by reducing the hedge and widening the path by a yard or so onto Aldi land. I ask that the planning committee to attach a condition to this end.

The current site and the weekend traffic chaos caused by Aldi shows Committee should not allow this application to proceed without *\*all\** of these links being funded by Aldi.

**Warwick Town Council:** No objection, reiterates comments from Leamington Town Council regarding increased traffic flow in highly congested area.

**WCC Highways:** No objection, subject to conditions and contribution of £64,000 towards improvements to the cycle network.

**Environmental Protection:** No objection, subject to conditions.

**Tree Officer:** No objection, subject to condition which requires works to be carried out in accordance with details submitted.

**WCC Public Rights of Way:** No objection, there are no recorded public rights of way crossing or immediately abutting the site.

**WCC Landscape:** No objection.

**WCC Ecology:** No objection, subject to condition.

**WCC LLFA:** No objection, subject to conditions.

**WCC Fire and Rescue:** No objection, subject to condition.

**WCC Infrastructure:** No objection, subject to monitoring contribution towards S106 agreement, if required.

### **Public Responses:**

4 Support: Fully supportive as long as traffic management is properly thought through & controlled in the surrounding area; query what will happen with existing Aldi store; improved access and parking; more retail space; this is a better site than the existing store; it would be good to have a bigger store with more parking; lack of space at current site.

7 Objections: a full plan of the former Aldi site should be provided so that it does not become derelict; proper cycle paths are required; lack of financial contribution towards cycle lanes; car centric design adding to traffic, emissions, noise and road safety concerns; there is already an existing Aldi within close proximity, so the development is not needed; without cycle lanes and active travel the development will worsen air quality and congestion

1 Neutral: supports reuse of former Mothercare, but has queries regarding: capability of highways network to cope with additional traffic; ensuring safe and easy walking and cycling access, that is clearly separated, directly to and from Queensway should be a priority; and, reuse of the vacated Lidl premises should be considered as part of this application.

### **Assessment**

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

- Principle of the development
- Design
- Impact on Neighbouring Residential Amenity
- Highway Safety and Traffic Generation
- Parking
- Ecological Impact
- Air Quality
- Other Matters

### **Principle of the Development**

Local Plan policy TC2 states that within the town centres, new retail development should be located as a first preference in the retail areas defined on the Policies Map. Where suitable sites are not available in the retail areas, sites on the edge of the retail areas will be considered and, if no suitable sites are available in any of the preferred locations, out-of-centre sites will be considered.

The site is 'out of centre' and therefore in order to comply with the requirements of Local Plan Policy TC2 (Directing Retail Development), the application has to be accompanied by a satisfactory Sequential Assessment and a Retail Impact Assessment. These are necessary in order to satisfy the Council that the proposal has assessed / appropriately discounted any sequentially preferential alternatives and that the proposal will not have any significant adverse impact on planned investment / town and local centre vitality and viability. However, it should be noted that the proposal represents the replacement of an existing retail unit with another, which should form part of the assessment process. However, it is also noted that the existing unit is currently restricted in terms of the goods which it could sell, which does not include food retail, thus it is necessary to assess the impact on the town centre.

Regarding the submitted Sequential Analysis, it is considered that a suitable analysis of the availability of alternative options has been undertaken and that it demonstrates that there are no other sequentially preferable sites that are either suitable or available. Importantly, this includes Chandos Street, Leamington Spa.

Regarding the Impact Assessment, Officers note that vacancy rates of retail outlets in Leamington Spa remain below the national average. It is also important to note that the impact of the modest increase in floorspace at the intended location is very unlikely to register a significant impact on retailing in Leamington Spa. It is also relevant to view the effect in terms of the retailer's profile; it is a 'deep-discount' type operation with a limited range of goods compared to other food supermarkets. Of particular relevance is the fact it does not provide many in house services such as tobacconist, newsagent, bakery or café that would be in direct competition with other retailers represented in the town centre.

Officers are therefore satisfied that the assumptions made in the retail report submitted are robust and that this proposal does not constitute a threat to the vitality and viability of the town centre. It is also noted that supporters of the proposal consider that the proposed site is better than the existing site, and there is a lack of space at current site.

### Design

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

The existing building serving the site has little architectural merit, being of a warehouse scale, with limited architectural features. The frontage is also tired and in need of updating. It is nevertheless of simple form, and does sit comfortably within the context of the wider shopping park, and mixed use development surrounding the site owing to its low overall perceived height and appearance within the street scene. The nearby development is of a similar scale to the existing building, and varied in design, although it is noted that the building opposite to the application site which shares the car park with the application property is similarly designed.

The proposed building would have a contemporary design, with a partially flat roof, and also elements of the roof which have passive design solutions, aimed at designing a highly energy efficient building. The building would be clad entirely in timber, partially with a natural finish and partially black stained. There is a reasonably large glazed area to the front elevation.

Compared to the existing Aldi building neighbouring the site, and others found elsewhere, this provides a different design to that which is usually experienced. However, the design provides a unique and interesting visual appearance which adds value to the street scene in an otherwise somewhat monotonous area.

The use of high quality materials elevates the building, and the unusual roof design adds to the quality of the design. The modest height of the building in this context and topography of the site means that the development nestles into the site, and would not be out of keeping in the varied context of the street scene - only the side profile of the unusual timber clad roof design would be visible from the main part of the street scene, reducing the overall impact. This adds more visual interest in comparison to the blank brick elevation of the existing building.

The development would have a larger footprint than the existing building, but in comparison to the similar and larger scale development within the nearby area, and low lying level of the site, this impact would be limited and is not considered to be harmful to the street scene.

The existing soft landscaping surrounding the existing site will be largely retained and the Tree Officer has confirmed that the proposal is acceptable, subject to a condition to ensure that the tree protection measures proposed as part of the application are installed and maintained during the construction works. 12 trees would be removed, however, these are considered to either add limited value to the street scene, or are of a quality which would not warrant retention. WCC Landscape have no objection to the proposal.

The development is therefore considered to be in accordance with Local Plan policy BE1.

#### Impact on Neighbouring Residential Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development.

There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

In terms of the building itself, there are no nearby neighbours which are likely to be impacted in reference to loss of outlook, privacy or light.

Environmental Protection were consulted and have requested that a condition is added to ensure that noise emanating from plant and equipment at the site does not detrimentally impact on neighbouring residential amenity, and a condition for a construction management plan to ensure that construction and demolition works do not detrimentally impact on neighbours. They also request a condition limiting the hours of deliveries and a condition to secure the submitted lighting scheme in order to protect neighbouring amenity. These conditions are considered to be reasonable and necessary to ensure that neighbouring residential amenity is protected.

The proposal is therefore considered to be in accordance with Local Plan policy BE3, subject to the inclusion of the aforementioned conditions.

#### Highway Safety and Traffic Generation

Local Plan policy TR2 states that all large-scale developments that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic.

Royal Leamington Spa Town Council have no objection to the proposal, subject to no objection from WCC Highways on traffic management and provision of required information to the LLFA. They make comments regarding traffic flow information and access. Warwick Town Council reiterate these comments.

Supporters of the proposal state that they are fully supportive as long as traffic management is properly thought through and controlled in the surrounding area. They consider that the development would result in improved access and parking. There have been 7 objections, stating that improvements to the cycle network are required. A comment on the application queries the capability of highways network to cope with additional traffic, and states that safe and easy walking and cycling access, that is clearly separated, directly to and from Queensway should be a priority.

Following a detailed review of all of the Transport Assessment and Paramics Modelling, WCC Highways raise no objection to the scheme. They note that trips associated with the non-food retail site (Mothercare) have been reassigned to the former Aldi site on Queensway. Overall, they conclude that the impacts of this development proposal are not significant. There are a number of junctions where a level of impact is experienced which has flagged on some journey time routes within the output analysis spreadsheets. Most of these locations fall within an area which is subject to Local Plan mitigation proposals, other areas are outside what

is considered to be the Area of Influence. Aldi development proposals are expected to see an uplift of around 3% in turnover at this location.

The applicant has provided the requested modelling information from WCC Highways. In reality, the trip generation linked to the site is highly unlikely to have a linear relationship to the gross floor area increase, which is recognised through dealing with a number of similar supermarket expansion applications.

As such, some of those impacts identified are unlikely to be realised. WCC Highways consider the overall impact on the highway network to be low, i.e. an uplift of around 3%, but this is only on the basis that the vehicular trips have been reassigned from the existing Aldi store. For this reason, it is necessary to restrict the use of the existing Aldi store through a unilateral undertaking in order that the existing site cannot be used for food retail purposes - this is how the impacts on the highways networks have been assessed, and if not secured, the development could lead to a harmful impact on the highway network. The legal agreement is currently been drawn up and the applicants have confirmed that they are happy to enter into this agreement.

It should be noted that the implementation of the nearby highway network capacity enhancement scheme ('WCC-3') by the County Council, which signalises the Foundry and Shires roundabouts, provides sufficient capacity to accommodate the traffic generation from the proposal. The store is proposed to open in 2022 (the exact date is yet to be confirmed), however, the WCC-3 scheme is unable to commence prior to the end of the Commonwealth Games in August 2022. The scheme will likely take 8 months to complete, so, barring delays the two signalised roundabouts should be operational towards the end April of 2023.

It is therefore apparent that there will be a period of time following the opening of the new store and the completion of the Highway scheme. The Highway Authority is unable to bring the works forward due to the current requirements of the network as described. The Modelling scenarios are based on 'end of plan', and consider a trajectory of housing provision on that date. Given the lower levels of housing delivery experienced to date, coupled with the lower levels of traffic on the network being experienced due to the Covid pandemic, it is not considered that this will be an issue, as in reality, the capacity on the network is higher than the theoretical capacity assumed in the model as a worst case scenario. In conclusion, the Highway Authority will not be seeking any contributions to *capacity enhancing* schemes through Section 106 agreement.

The Highways Authority did however request a contribution of £110,000 towards the improvement to three sections of the cycle network on the basis that improved sustainable access is required in respect of this proposal. They consider that this development represents the sole trip generator that triggers the need for contributions, therefore the total cost of the uncommitted sustainable infrastructure was apportioned to the site. The applicant however queried the contribution request, suggesting that suitable alternative cycle routes exist to serve the development. Dialogue between the highway authority and applicant has resulted in a revised contribution request from WCC Highways. The Highways Authority noted that cycle routes 1 & 2 are needed to fill in the necessary gaps



and ensure effective cycle infrastructure serves the new store; however, in conclusion WCC Highways agreed that route 3 was not directly necessary for the purposes of the development. They have amended their request for a financial contribution to provide improvements to two, rather than three sections of the cycle network, resulting in a contribution request of £64,000, which the applicant has confirmed that they are prepared to pay, and will be secured through the legal agreement.

Councillor Chilvers has stated that all of the 3 identified cycle route improvements are necessary for pedestrian and cyclist safety. He also suggests that the current Aldi highway crossing should be upgraded to a toucan and the few yards of missing path to Queensway added. He requests that planning committee to attach a condition to this end. Councillor Chilvers also adds that there is also a small (a few yards) missing gap on the cycle network at the south west corner of the site, where cyclists are meant to dismount and remount. He suggests that this could easily and cheaply be addressed by reducing the hedge and widening the path by a yard or so onto Aldi land. He asks that the planning committee attach a condition to this end. Members of the public have objected to the development on the basis that improved cycle and pedestrian infrastructure should be provided.

For any planning obligation, or condition to be added to an application, it must be reasonable, related directly to the development and necessary for the purposes of the development. Whilst the Councillor considers that the suggested pedestrian network improvements are required, no direct evidence has been provided to support how this is directly related to, or necessary for the purposes of the development. Moreover, the Highways Authority have not identified these matters as requiring upgrading. It is therefore not considered that the requests from Councillor Chilvers meet the 6 tests for conditions.

For the reasons set out above it is considered that the development would have an acceptable impact on the highways network, subject to a unilateral undertaking in order that the existing Aldi site cannot be used for food retail purposes, and a condition for a construction management plan which has been added. The proposal is therefore considered to be in accordance with Local Plan policies TR1 and TR2.

### Parking

Local Plan policy TR3 requires that new development provides adequate parking, which would not be to the detriment of highway safety.

The parking area at the front of the site is shared with the adjacent neighbour, Curry's PC World. The proposed Aldi has a floor area of 1,920sq.m. and the existing Curry's PC World a floor area of 1,374sq.m., giving 3,294sq.m in total. This would require the provision of 238 car parking spaces in accordance with the Vehicle Parking Standards. 170 spaces are provided on site, which is an under provision of 68 spaces.

The current Aldi would benefit from a slight reconfiguration of parking spaces, providing 60 spaces in total. The reconfiguration is as a result of the reallocation of some spaces to the proposed Aldi. The current Aldi which has a floor area of

1575sq.m., when operating as a non-food retail unit would require 1 space per 14sq.m., resulting in the requirement of 112 spaces. There would therefore be an under provision of 51 spaces.

A parking accumulation assessment was therefore undertaken by the applicant, which shows that the car park serving the proposed Aldi and PC World would provide adequate parking, with reserve capacity, and the existing Aldi store would also have spare parking capacity. These results are based only on the assumption that the existing Aldi is restricted so that it is a non-food retail store, which will be secured through the legal agreement as stated above. It should be noted that the accumulation assessment is based on WCC Highways survey data, which was obtained from WCC Highways by the applicant in preparing the Transport Assessment. The data is based on surveys of the existing deep discount stores within and around the District, so is considered to provide reliable, up to date information in this regard.

The Highways Authority have reviewed the proposed parking for the site and the parking accumulation assessment. They note that essential to the performance of the network in this location is the provision of suitable parking capacity. There is a current issue at the existing Queensway site at peak time, with traffic often queuing on Queensway. Given the close proximity to the A452 and the potential to cause severe disruption, it is essential that a cumulative assessment of parking capacity requirements is provided. This analysis is covered Section 3.5 of the Transport Assessment, which demonstrates the cumulative car parking requirement for Aldi + PC World. This analysis considers the requirement for parking with a 3% uplift in trade. WCC preferred approach is to consider the car parking requirement based on the percentage increase in gross floor area. However, it can be seen that the circa 170 spaces provided will provide more than ample parking provision based upon the assumed trip generation, which the Highways Authority agree with.

On the basis that the applicant has demonstrated that the development would provide suitable levels of parking, the development is considered to be in accordance with Local Plan policy TR3.

### Ecological Impact

WCC Ecology assessed the application and requested that an additional bat survey was carried out, which was provided during the course of the application. This found no presence of bats within the building, addressing this matter. WCC Ecology requested that an Ecological Impact Assessment was prepared for the application, however, following discussions with the Ecologists on the proportionality of these requirements and low likelihood of protected species being found on the site based on the information provided, it was agreed that the Preliminary Ecological Appraisal provided by the applicant was sufficient on this occasion. WCC Ecology concluded with a requirement for the works to be carried out in accordance with the details submitted, which has been secured by condition.

Therefore, the development is considered to be in accordance with Local Plan policy NE2.

## Air Quality

The applicant has submitted a technical note document prepared by BWB Consulting that has appraised the proposed development in accordance with Warwick District Council's Air Quality and Planning Supplementary Planning Document (AQ SPD) (January 2019). The AQ SPD establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment. The guidance sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The applicant's technical note identifies the proposed development as a major scheme in accordance with the AQ SPD therefore Type 1, 2, and 3 mitigation measures (including calculation of damage costs) are necessary.

For Type 1 mitigation, a proportion of electric vehicle charging points are recommended. The proposed development will utilise the existing retail unit car park therefore no new parking spaces are being created (except for additional parking utilised from the current Aldi site). Whilst no new car parking provision is being created, the technical note has identified that the proposed development would result in a net increase of vehicle movements in the local area. On this basis, Environmental Protection we would recommend that a proportion of electric vehicle charging facilities are still provided. To satisfy Type 2 mitigation measures, the applicant has provided a framework Travel Plan that will seek to encourage staff to utilise sustainable forms of transport. The framework Travel Plan commits to undertaking a staff travel survey following six months occupation of the development, allowing a substantive travel plan to be prepared. The submission and implementation of a final travel plan could be secured by a suitably worded planning condition.

For the purposes of Type 3 mitigation measures the technical note has provided a calculation of damage costs. It is not possible for developers to double-count the cost of mitigation measures that would otherwise be required as part of the development in the absence of the AQ SPD e.g. construction dust abatement costs, BREEAM / sustainability requirements, travel plan monitoring, cycling provision, etc. Similarly it is not possible to utilise the damage costs to fund Type 1 and Type 2 mitigation measures unless it is for a betterment of these measures e.g. increasing the number of electric vehicle charging points or providing higher specification/faster charging facilities. As Type 1 mitigation requires the provision of fast electric vehicle charging points (32amp) for commercial/retail developments, the applicant's proposal for six rapid charging points can be considered as a betterment of the minimum requirements under the AQ SPD and therefore an appropriate use of the calculated damage costs. On this basis, Environmental Health recommend that the provision of air quality mitigation measures are secured by suitably worded planning conditions.

Subject to suitable mitigation for the impact of the development on air quality, the development is in accordance with Local Plan policy NE5.

## Other Matters

### *Contaminated Land*

The proposed development will be located adjacent to land used as a former engineering works. The adjacent land was remediated for a commercial use as part of the previous Queensway redevelopment, however, there is a potential that contamination could have historically migrated onto the proposed development site. There is also the possibility of residual contamination from the existing retail development being present. On this basis, Environmental Protection recommended that a desk study report was prepared to determine whether the site would be suitable for a continued commercial use, or whether further investigation is necessary to determine this, which could be secured by condition.

Further to this, additional information on this matter was provided by the applicant, which has been assessed by the Environmental Health Officer. They have confirmed that they are now satisfied that the developer can maintain a watching brief during the works, in the event that previously unidentified contamination is encountered. A condition has been added which secures this method of monitoring.

### *Drainage and Water Efficiency*

The Local Lead Flood Authority (LLFA) have no objection to the proposal, subject to conditions requiring that a detailed surface water drainage scheme and detailed maintenance plans are provided. These are considered reasonable and necessary for the purposes of the development, and have been added. The proposal is therefore considered to be in accordance with Local Plan policy FW2.

### *Waste*

The applicant would be responsible for their own waste collection arrangements, which are likely to be similar to those at the existing site. Officers have no reason to believe that adequate waste storage and disposal cannot be accommodated by the applicant.

### *BREEAM Requirements*

As the proposal results in the construction of over 1,000sqm of non-residential floorspace, a pre-assessment stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve a minimum BREEAM standard 'very good' is required. This was provided by the applicant which confirms that the development could meet 'very good' BREEAM standard required. A condition will be imposed to cover the requirement for additional information relating to the design stage and to ensure that the development is carried out in accordance with the details submitted.

### *Miscellaneous*

WCC Fire and Rescue have no objection to the proposal, subject to a condition requiring a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site. This will be added.

There are various comments requesting that a full plan of the former Aldi site should be provided so that it does not become derelict, or that confirmation of what will happen with the existing Aldi site is provided. To an extent, the required unilateral undertaking which secures the use of the neighbouring site to a non-food retail unit will direct future development of this site. However, the owners of the existing site cannot be compelled to provide plans to show what will happen with the existing Aldi site, if the current application is acceptable in planning terms, which as identified above, it is.

## **Conclusion**

Subject to a satisfactory legal agreement which the applicant has confirmed that they are prepared to enter into, the development is considered to provide an enhancement to the street scene, and would deliver suitable parking arrangements. The development would have an acceptable impact on the highways network and ecology, and would not cause harm to neighbouring amenity. The proposal should therefore recommended for approval.

## **CONDITIONS**

1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:

H20A40-P010 (floor plan), H20A40-P011 (roof plan), H20A40-P021 (elevations), H20A40-P030 (sections), H20A40-P040 (visuals), MEL-467-001-P3 (soft landscaping scheme), submitted on 29th January 2021, and

H20A40-P003 (site plan), submitted on 25th March 2021,

and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 The development hereby permitted shall not commence unless and until tree protection measures have been submitted to and approved in writing by the LPA and the approved measures have been put into place. The approved measures must remain in place for the duration of demolition and construction works. The proposals must refer to all the trees within the site as well as those highway trees on the approach that may be

affected by the proposed demolition and re-development, and must include:

a] an arboricultural method statement and tree protection plan in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations, Clause 7 in particular

b] an arboricultural site monitoring protocol that will confirm to the local planning authority by independent examination that the agreed tree protection measures are in place for the duration of the development

**Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

4 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website ([https://www.warwickdc.gov.uk/downloads/file/5811/construction\\_management\\_plan](https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan)) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

5 No development and subsequent use of the 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 in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- 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.
- If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.
- 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 ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

6 The development hereby permitted shall not commence unless and until a hard landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

7 The development hereby permitted shall not be commenced unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development 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. A Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) shall be submitted to the Local Planning Authority

within 3 months of first occupation. **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.

- 8 Prior to commencement of development, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include:
- a) How the development will reduce carbon emissions and utilise renewable energy.
  - a) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures.
  - a) How proposals will de-carbonise major development.
  - a) Details of the building envelope (including U/R values and air tightness).
  - a) How the proposed materials respond in terms of embodied carbon.
  - a) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised.
  - a) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

The development shall not be occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2021).

- 9 Prior to the occupation of the development hereby permitted, the air quality mitigation measures outlined within the BWB technical note (Ref. ALS-BWB-VUT-ZZ-RP-G-0001\_TN, Rev 2, dated 8<sup>th</sup> June 2021) shall be implemented in full. Thereafter the electric vehicle recharging point(s) shall be retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.



- 10 Within twelve months of the first occupation of the development hereby permitted, the applicant shall submit a Travel Plan to promote sustainable transport choices to the site for approval by the local planning authority in writing. The measures (and any variations) approved shall continue to be implemented at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.
- 11 No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2100 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 12 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured (or calculated to) one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). 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 Policy BE3 of the Warwick District Local Plan 2011-2029.
- 13 The use of the lighting for the approved development shall be carried out and operated only in full accordance with the external lighting report and specification document prepared by Building Management Technology (Ref. B3621 (79\_E1461), Issue A, dated 11<sup>th</sup> January 2021) and lux plot drawing (Drawing No. 79\_E1461-BMT-XX-XX-DR-E-0105-A3-P01). **Reason:** To ensure that any lighting is operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 14 No occupation and subsequent use of the development shall take place until a detailed maintenance plan is implemented and provided to the LPA giving details on how surface water systems shall be maintained and managed for the lifetime of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **Reason:** To ensure the future maintenance of the sustainable drainage structures.
- 15 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority.

The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

16 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

18 The development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to occupation of any dwelling to the satisfaction of the Local Planning Authority. **Reason:** In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

19 The development hereby permitted shall be carried out in strict accordance with the approved soft landscaping scheme. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting

Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 20 The development hereby permitted shall be carried out to wholly accord with the detailed mitigation and enhancement measures as set out in the document 'Ecological Mitigation Strategy' (Revision B) prepared by Middlemarch Environmental Ltd. **Reason:** To ensure that protected species are not harmed by the development in accordance with the requirements of policy NE2 of Warwick District Local Plan 2011 - 2029. In order to discharge the condition above, a brief report from an ecologist following the bat and bird box installation must be submitted to and approved by the Local Planning Authority (with advice from WCC Ecological Services).
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