

Planning Committee: 20 September 2006

Item Number: 5

Application No: W 05 / 0262

Registration Date: 15/02/05

Town/Parish Council: Kenilworth

Expiry Date: 12/04/05

Case Officer: Martin Haslett

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Dalehouse Lane/Common Lane/Cotton Drive, Kenilworth, CV8 2ED

Outline application: Residential Development including improvements to Dalehouse Lane/Common Lane junction. FOR JG Land & Estates

This report has been amended from that submitted to Members at the previous Planning Committee in order to correct some inaccuracies and to clarify the approach taken to the proposal. It does not differ in its overall analysis and conclusions from that which was previously before Members.

INTRODUCTION

The Committee resolved to refuse planning permission for this application on 23rd June last year in accordance with officer recommendations.

The application was refused on the following grounds (in summary):

- that it was within a site shown for employment purposes in the Warwick District Local Plan 1995 and,
- it was considered that its development for housing would conflict with Local Plan Policy to protect existing employment areas.

In the report, it was considered important to protect existing employment areas in Kenilworth as these were in short supply. In assessing the application against employment policy, consideration was also given to the issue of viability of the site for employment development. The application had been accompanied by a market viability report that concluded that only residential uses would be capable of generating sufficient profit to pay for the remediation works. It was reported to members that a major departure from the development plan should not be based upon such figures which are open to varying interpretations.

Immediately following this meeting, it was subsequently reported to members that the applicant's agents had expressed concern (supported by opinion from Jeremy Cahill QC) that the officer's written report was deficient and misleading in that it made no reference to the amendment to PPG3 published on 24th January 2005. The agent indicated that if the Council issued the decision, they would mount a legal challenge to this.

Following this, the decision to refuse the application was not issued. This was reported to members on 12th July in a new report on the application which still retained a recommendation for refusal. Following publication of these committee papers, and prior to the Committee date, the applicant submitted a further opinion from Jeremy Cahill QC that the report was still deficient. On the basis of this opinion, this report was withdrawn by officers on the night and not considered by members.

Since that time, no report has been brought before this Committee on this application, however work has been underway to progress the application. This work has had two elements:-

1. The Council has taken its own legal advice (including the advice of Counsel) on Jeremy Cahill QC's opinions received from the applicant.
2. The Council has been in discussion with the applicant over the assessment it made in the first (and second) Committee reports regarding the viability of the site for continued employment use. As a consequence of this, the Council has appointed King Sturge, an independent firm of chartered surveyors and property consultants, to assess the report prepared by Wareing & Company on behalf of the applicant that accompanied the original application. This work has now been completed.

With this work now concluded, I am able to bring a full report on this application back before the committee.

At the outset, I would wish to make one point regarding the Supplementary Planning Document: Managing Housing Supply, approved by the Council in September 2005. Under normal circumstances, I would be giving this policy significant material weight in any recommendation to you on an application such as this. However, I am mindful of the fact that, had it not been for the above matters on which the Council needed to seek further advice, then a final report would have been presented to this Committee before September 2005. It was only in September that the Council approved the SPD and began to apply it in determining planning applications.

Therefore, on this occasion, my comments to you on this application and my eventual recommendation will not refer to the SPD. Members may, therefore, set aside the SPD guidance in considering this application. This would be consistent with the approach that has been taken with other planning applications that were initially considered by this Committee prior to September 2005.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: "Members recommended that the outline application should be approved. Members commented that they endorsed the outline application with the following caveats:-

1. Whilst generally supporting the safeguarding of employment sites and concerned at the continuing loss of such land, they considered that this particular site amply demonstrated and validated the required grounds for a change of use application.
2. The fullest above and sub-surface remediation work must be undertaken to ensure that the site is completely safe and fully certificated by the specialist bodies.
3. They would expect to see the formal development application containing full provisions to ensure both the creation and maintenance of affordable long term housing.
4. That there should be adequate car parking within the site."

Neighbours: 22 letters of support, on grounds of improved appearance for the area, provision of affordable housing, improved traffic arrangements, improved security for local shops, reduction in noise, land separated from remaining employment land by brook, land too expensive for industry. An additional 3 letters of support were included in the addendum report.

Kenilworth Chamber of Trade: strongly object on grounds of :

- protection of the limited opportunities for employment development in the town;
- approval would encourage further proposals on adjoining employment land, which would substantially diminish the town in terms of employment and its ability to be a thriving community.

The Kenilworth Society: supports the Chamber of Trade's objection and expresses agreement with the reasons for refusal.

Housing Officer: the site is sufficiently large to require affordable housing, if the principle of residential development is accepted.

EHO: as the site is bounded by industrial units there is potential for future occupiers to be affected by noise and odour nuisance. With regard to land contamination, the work done is preliminary and more detailed investigation will be required. The remediation required for residential use will be greater, and more expensive, than that required for commercial use. Commercial uses might be able to deal with some pollutants by covering with hardstanding.

EHO(Refuse disposal): no objection, subject to condition on bin stores.

WCC (Structure Plan): Financial contributions are required for education and library services. As the total number of dwellings is not known at this stage, the sums would be based on formulae, but based on 48 dwellings this would mean

£86,113 for primary education, £93,989 for secondary education and £8,220 for libraries.

WCC(Highways): no objection, subject to conditions on design and layout of the roads and highways notes.

WCC(Fire and Rescue): no objection, subject to provision of hydrants.

WCC(Ecology): no objection, subject to ecological conditions, and notes.

Environment Agency: no objection, subject to conditions (and notes) on ground contamination, foul and surface water drainage, and floor levels.

Cllr. Shilton asked for this application to be reported to Committee.

Other comments received since previous report: Three letters have been received expressing an interest in purchasing the site for employment purposes (one was included in the addendum report to the previous committee meeting), one being from a local company who had to move to Coventry since the then owners had been offered a higher sum, apparently by the present applicants who declined an offer from one of the three writers as they were continuing with their residential application.

These representations have been forwarded to commercial advisors, King Sturge, who carried out the viability assessment on behalf of the Council, for their views. Their opinion of this additional evidence will be reported at the meeting.

One of these letters was from Boston Fieldgate, property consultants, who had registered to speak on behalf of Kenilworth Chamber of Trade, who oppose the application. This letter is included in full in an annexe to this report.

RELEVANT POLICIES

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- (DW) EMP5 - Employment Development in Urban Areas (Warwick District Local Plan 1995)
- SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011 First Deposit Version)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- GD1- Overriding Purpose (Warwickshire Structure Plan 1996-2011)
- CF3- Levels and distribution of new housing (Regional Planning Guidance 2004)

PLANNING HISTORY

The site has a long planning history of applications associated with Arden Products and in 2003 permission was granted for a change of use from class B2 (general industry) to classes B1 (business), B2 and B8 (storage or distribution), (planning application W03/156). However, the premises are currently empty.

KEY ISSUES

The Site and its Location

The development site is the entire premises of the former Arden Products factory, on the corner of Dalehouse Lane and Common Lane. The site has an area of 0.82 ha. At present the building occupies virtually the entire plot, with limited parking areas on the margins of the site. There is little landscaping, although there are some trees and shrubs along the Finham Brook, which forms one boundary of the site. Adjoining premises are entirely used for employment purposes. The site lies within the principal employment area in Kenilworth.

On the other side of Common Lane there is a group of shops and some residential accommodation and on the other side of Dalehouse Lane there are houses built in the 1990s.

Details of the Development

The application is in outline, with only the means of access included in the application. Nevertheless, there is a sketch layout showing how the development might take place, together with axonometric views of the site. The applicants have agreed that 40% of the dwellings should be affordable and have indicated their willingness to enter into a legal agreement to cover this aspect and the County Council's requirements for education and library contributions.

The access details for the site show the widening of Common Lane to provide a left turn lane into Dalehouse Lane, and a new access into the development being taken from Dalehouse Lane, at the centre of the site, where 4.5 by 90m visibility would be provided.

Separate supporting information is submitted in respect of traffic, flood risk, soil contamination and an assessment of the viability of the site for a range of uses. The two most significant of these are the contamination report and the market viability report. The contamination report indicates that the likely remediation costs of the site, including demolition costs, are in the order of £500,000. Having concluded that the site is unsuited to retail, leisure or warehouse uses, the market viability report examines each of the possible future uses of the land, including industrial and office uses and concludes that each of these is not capable of realising an economic return on the investment. This is mainly due to the high cost of remediation of the contamination. The report concludes that the only use capable of making sufficient return to off-set the remediation costs is residential.

Assessment

This application raises some important issues of planning policy, and the relationship between planning policies contained in adopted development plans (in our case the Warwick District Local Plan) and more recent Government guidance. For the purposes of this assessment, I will look firstly at the existing policy framework in the adopted Structure and Local Plans, and then at the more recent Government advice, in this case as set out in PPG3 and particularly an amendment to this made in January 2005.

The Structure and Local Plan context

The site and the surrounding employment buildings have long been the major employment area of Kenilworth, the only other significant employment areas in the local plan being at Princes Drive and Farmer Ward Road.

The adopted Local Plan considered that protection of employment land from other uses is crucially important. The retention of employment areas offers local people a choice of work, without the need to commute to adjoining towns. This helps to reduce the need to travel and to meet sustainability targets and is therefore central to national, county and local planning policy. Kenilworth is not well-supplied with such areas and is already primarily a dormitory town for adjoining urban areas. The protection of existing employment areas is therefore especially important, particularly since there are no likely replacement areas, due to the tight boundary of the Green Belt around the town.

The application site lies within the Common Lane employment area identified within policy (DW) EMP5 of the adopted Local Plan. This policy states that the *“development of such sites for non-employment uses will not normally be permitted”*. The Local Plan states that concentrating employment opportunities within existing employment areas will help ensure a planned balance of employment land provision which is properly related to the highway network and the urban form of the District. If permission were to be granted in this case, it

would reduce the supply of existing employment land in Kenilworth to the detriment of the overall character and economy of the town. It would, arguably, also be extremely difficult to resist further proposals for the remaining parts of the industrial estate to the north and east, though, of course, at present, the Managing Housing Supply SPG would need to be taken into account in considering any further proposal.

The existence of policy (DW) EMP5 does not mean, however, that the Council would resist all proposals to redevelop existing employment areas protected under this policy for non employment uses. Where an applicant has been able to demonstrate that the site is no longer suitable and viable for an employment use, the Council has supported an alternative use, usually housing. Examples of where this has happened include the former Pottertons and Benfords sites in Warwick. Accordingly, the Council has given careful consideration to a report prepared by Wareing & Company considering the viability of the application site for continued employment use. This is considered later in this report (see section on Market viability).

Another relevant policy is policy GD.1 in the Warwickshire Structure Plan which seeks to provide for a pattern of development which allows jobs and homes to be provided to meet the needs of the whole community and seeks to reduce commuting by promoting greater use of public transport, walking and cycling.

PPG3

Discussions with the applicant over this application have focused on the relationship between adopted Local Plan policy and more recent Government guidance on the release of employment land for housing purposes contained in a revision to PPG3 made in January 2005 (the addition of Para 42(a)).

The approach of PPG3 in relation to employment land is firstly addressed in Paragraph 42. This paragraph requires local Planning Authorities to review non-housing allocations with a view to considering whether some of this land may be better used for housing when reviewing their Development Plans. The paragraph addresses land allocated in the Development Plan (i.e. Local Plan) for which there may be no realistic opportunity to be taken up. It also mentions land that was allocated for particular land uses which have been overtaken in policy terms. These two categories of land are described as '*a wasted resource*', particularly where the land has been previously developed. It is this land that is then described as warranting consideration as to whether it could be used for housing or mixed use developments.

Though the paragraph is directed at the need to address this issue through development Plans, earlier guidance within the PPG requires Local Authorities to have regard to this advice when considering planning applications.

Paragraph 42(a) was introduced into PPG3 in 2005 in order to address more specifically the question of how planning applications for residential development on land allocated for commercial/industrial use should be dealt with. It is an important paragraph and is set out below in full:

"42 (a) Local planning authorities should consider favourably planning applications for housing or mixed use developments which concern land allocated for industrial or commercial use in saved policies and development plan documents or redundant land or buildings in industrial or commercial use, but which is no longer needed for such use, unless any of the following apply:

- the proposal fails to reflect the policies in this PPG (including paragraph 31), particularly those relating to a site's suitability for development and the presumption that previous-developed sites (or buildings for re-use or conversion) should be developed before greenfield sites;*
- the housing development would undermine the planning for housing strategy set out in the regional spatial strategy or the development plan document where this is up-to-date, in particular if it would lead to over-provision of new housing and this would exacerbate the problems of, or lead to, low demand;*
- it can be demonstrated, preferably through an up-to-date review of employment land (refer to Annex D for practice guidance), that there is a realistic prospect of the allocation being taken up for its stated use in the plan period or that its development for housing would undermine regional and local strategies for economic development and regeneration."*

Paragraph 42(a) therefore puts in place a presumption in favour of development of allocated commercial land for residential purposes, provided that the tests set out in the three bullet points can be met. If any one of these tests cannot be met, then the presumption in favour cannot apply and 42(a) is set aside. An application then falls to be considered against existing Development Plan Policy in the light of the other relevant parts of PPG3.

In order to address this, it is appropriate to look at each of the bullet points within paragraph 42 (a) in turn.

Paragraph 42 (a) – first bullet point

- the proposal fails to reflect the policies in this PPG (including paragraph 31), particularly those relating to a site's suitability for development and the presumption that previous-developed sites (or buildings for re-use or conversion) should be developed before greenfield sites;*

I would agree with the applicant that this site is otherwise suitable for housing use as identified by PPG3. It is previously-developed land within the urban area

of Kenilworth on a good public transport route and does not fail to reflect the other policies in PPG3. This bullet point would not apply to the site and, therefore would not prevent the presumption in favour of 42(a) being applied

Paragraph 42 (a) – second bullet point

- *the housing development would undermine the planning for housing strategy set out in the regional spatial strategy or the development plan document where this is up-to-date, in particular if it would lead to over-provision of new housing and this would exacerbate the problems of, or lead to, low demand;*

Members will be aware that there is an overprovision of housing in Warwick District when measured against both the Warwickshire Structure Plan and West Midlands Regional Planning Guidance (the Regional Spatial Strategy). The figures for this have been set out in the Annual Monitoring Report presented to Scrutiny Committee in December 2005, the Supplementary Planning Document: Managing Housing Supply approved by the Council in September 2005 and most recently in an update to appendix 2 of the Local Plan that has been submitted to the Inspector at the Local Plan inquiry. In summary, these show a housing supply situation which is as follows:-

Housing requirement	<i>Dwellings</i>
Regional Spatial Strategy housing requirement 2001 - 2011	4,624
Housing Supply	
Completions 2001 – 2005	3,324
Commitments at April 2005	2,844
Adjustment to allow for permissions not implemented	-284
Total committed and completed 2001 - 2005	5,884
Allowance for urban windfalls (2004 – 2011)	1,410
Allowance for rural windfalls (2004 – 2011)	56
Potential total supply 2001 – 2011	7,350
Over provision (potential housing supply to 2011 minus total requirement)	2,726

It is clear from the above figures that the overall housing needs to 2011 have already been met and exceeded. Furthermore, as these figures show, if current trends in house building continue within Warwick District, the requirement for us to find 4,624 new homes will be exceeded by 2,726 (60%).

It is clear from the published monitoring work that the Council undertakes that this situation is one which would lead to a level of overprovision which would undermine the planning for housing strategy set out in the Regional Spatial Strategy.

The Counsel's further opinion (dated 6th July 2005) provided by the applicant suggests that a development of 30-40 units on this site would not undermine the Regional Spatial Strategy (as referred to in PPG3 paragraph 42a). It is my opinion that given the current level of overprovision of housing in the district, if this application is permitted it would further contribute to this overprovision.

It is my view therefore that the circumstances of this second bullet point do apply within Warwick District, i.e. that the development would undermine the RSS Housing Strategy. For this reason, this test is not met and it is reasonable to set aside the provisions of paragraph 42 (a).

Paragraph 42 (a) – third bullet point

- *it can be demonstrated, preferably through an up-to-date review of employment land (refer to Annex D for practice guidance), that there is a realistic prospect of the allocation being taken up for its stated use in the plan period or that its development for housing would undermine regional and local strategies for economic development and regeneration."*

As part of this application, the applicant submitted a market viability report. This is discussed further below (see section on "market viability"). For the reasons set out below, I have concluded that a redevelopment of the site for a "B" class use is not viable.

Therefore, it is my view that the circumstances of this third bullet point do not apply to this site and would not prevent the presumption of para42(a) in favour of residential development being applied

Conclusions on PPG3

In conclusion, it can be seen that of the three bullet point tests that must be passed in order to allow the presumption in favour of residential development to be applied, two are met and one is not met. Because Para 42(a) requires that its provisions cannot be applied if "any" of the three tests are not met, then the provisions of this paragraph have to be set aside in the consideration of this application. Para 42(a) should therefore not be applied to this application.

Given this situation, if paragraph 42(a) is set aside, it follows that what remains form the material considerations for the Council to consider in respect of this application. These include the balance of PPG3 and current adopted Local Plan policies. It is therefore reasonable to continue to give weight to policy (DW) EMP5.

Market viability and DW EMP 5

The planning application was accompanied by a market viability report prepared by Wareing & Company. It concluded that only residential uses are capable of generating sufficient profit to pay for the remediation works must be treated with caution. The report assumed a remediation cost of £500,000.

During the course of review of the application following its initial consideration the Council appointed King Sturge, independent chartered surveyors and property consultants, to critically assess the Wareing & Company report and to take a view as to whether its conclusions were robustly based. King Sturge has undertaken this work, meeting with the applicants, reading all relevant material (including the contamination report prepared by the applicant), visiting the site and carrying out their own development appraisals. They reported initially to the Council on 20th October 2005. It was considered that the site was likely to be attractive to developers who specialize in office courtyard schemes (use class B1a), however advised that the applicants re-run their appraisal of an office courtyard scheme on the basis of figures proposed by King Sturge.

This work was subsequently undertaken, and considerable further discussions have followed between King Sturge, the applicants, and officers from my department. Further information has also been sought in particular on the cost of remediation of the site. It is agreed that this would be a major element of the cost of any redevelopment of the site, and therefore a significant factor in any assessment of alternative viable uses.

As a result of these discussions, King Sturge has advised the Council that whilst a scheme for an office courtyard development could generate a positive residual land value, viability is only marginal and this analysis may be sensitive to further changes owing to uncertainties over abnormal costs. Therefore, on the balance of probability, most developers would find this site unviable and too risky for this type of development. Whilst the possibility of an office courtyard scheme cannot be discounted, King Sturge advises that as the market currently stands, it does appear improbable.

In the light of this evidence and advice I have concluded that it would be difficult for the Council to mount an effective case that a scheme for an office courtyard development (which all parties agree is the most probable of all "B" class options for the site) would be viable. In the light of this, I conclude that it is reasonable for the Council to set aside the provisions of policy (DW) EMP5 in respect of this site.

Conclusion

In conclusion, it is my view that paragraph 42a of PPG3 should not be used as a basis for the favourable consideration of this planning application for housing. Therefore, the main policy is (DW) EMP5 in the adopted Warwick District Local Plan. For the reasons set out above, I have concluded that it would, at the

present time, be difficult for the Council to mount an effective case that another employment (B class) use on the site would be viable. A re-use of the site for an alternative residential use is supported. That would comply with the general approach of PPG3, setting aside para42(a).

Given that I consider that the provisions of the SPD: Managing Housing Supply should not be applied in this instance (for the reasons set out above), a re-use of the site for housing would be acceptable in planning policy terms. There is therefore no policy objection to the application.

The application includes indicative details of the proposed layout, although the application is in outline, with siting, design, external appearance and landscaping as reserved matters. The indicative details as originally submitted were not satisfactory, but have now been amended in accordance with officer's advice.

RECOMMENDATION

GRANT, following the completion of a legal agreement to require the provision of 40% affordable housing, and contributions to County Council services (as detailed in the consultations section) and subject to the following conditions:-

CONDITIONS

- 1 This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
 - (a) the siting, design and external appearance of the proposed dwellings together with access to them,
 - (b) details of landscaping.

REASON : To comply with Section 92 of the Town and Country Planning Act 1990.
- 2 In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON**: To comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development to which this permission relates must be begun not later than
 - 1) The expiration of five years from the date of the grant of outline planning permission, or

- 2) If later the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON** : To comply with Section 92 of the Town and Country Planning Act 1990.
- 4 The development hereby permitted shall not be commenced until the public highways of Common Lane and Dalehouse Lane have been improved so as to provide for a pedestrian refuge and carriageway widening at the Common Lane junction with Dalehouse Lane in accordance with a scheme approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 5 The development shall not be commenced until a turning area has been provided within the site so as to enable all vehicles to leave and re-enter the public highway in forward gear. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 The roads and footways serving the development hereby permitted shall not be designed or constructed other than in accordance with the requirements and standard specifications of the Highway Authority as set out in "Transport and Roads for Developments - The Warwickshire Guide 2001", together with any published amendments to it. **REASON** : To ensure compliance with the Council's standards.
- 7 Before the development hereby permitted is begun, the further written approval of the District Planning Authority shall be obtained for details of the design and construction of the estate roads and footways serving the development. These details shall include large scale plans and cross and longitudinal sections, showing design, layout, construction of the estate together with surface water drainage to outfall. **REASON** : To ensure compliance with the Council's standard.
- 8 Floor levels should be set at least 600mm above the 1 in 100 year flood level of 69.3m AOD(N). **REASON** : To prevent the development from flooding.
- 9 No development shall be carried out on the site which is the subject of this permission, until details of a scheme for the provision of surface drainage works has been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that surface water is properly dealt with so as to prevent the increased risk of flooding.
- 10 No development shall be commenced until :

- a) a desk-top study identifying previous site uses, potential contaminants and other relevant information (and using this information a diagrammatical representation- conceptual model) for the site of all potential contaminant sources, pathways and receptors has been undertaken and approved in writing by the District Planning Authority;
 - b) if deemed necessary as a result of the desk-top study, a site investigation has been designed, using the information obtained from the desk-top study and any diagrammatical representations (conceptual model) has been submitted to and approved in writing by the District Planning Authority;
 - c) the site investigation has been undertaken in accordance with details approved and a risk assessment has been produced;
 - d) a method statement detailing the remediation requirements, using the information obtained from the site investigation has been approved in writing by the District Planning Authority. **REASON** : To identify contamination which may pose a risk to the environment to harm to human health.
- 11 If during development contamination not previously identified is found to be present, no further development shall be carried out until either:
- a) a site investigation has been designed and undertaken in accordance with details approved in writing by the District Planning Authority, a risk assessment has been produced and a method statement detailing the remediation requirements using the information obtained from the site investigation has been approved by the District Planning Authority, or;
 - b) if the above has been previously undertaken, the developer has submitted and obtained written approval from the District Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with. **REASON** : To ensure that the development complies with approved details in the interests of protection of controlled waters.
- 12 All remediation works detailed in the method statement shall be undertaken and a report submitted to the District Planning Authority providing verification that the works have been undertaken in accordance with the approved details, **REASON** : To protect controlled waters by ensuring that the remediated site has been reclaimed to an appropriate standard.
- 13 Soakaways shall only be used in areas where they would not present a risk to groundwater. If permitted their location shall be been previously approved in writing by the District Planning Authority. **REASON** : To prevent pollution of controlled waters.
- 14 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall

capacity compatible with the site being drained. **REASON** : To prevent pollution of the water environment.

- 15 Nothing other than uncontaminated excavated materials shall be tipped on the site. **REASON** : To prevent pollution of the water environment.
- 16 No development shall be carried out on the site which is the subject of this permission, until details of a scheme for the provision of foul drainage works has been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** :To prevent pollution of the water environment.
- 17 Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved by the District Planning Authority. **REASON** : To prevent pollution of the water environment.
- 18 No development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 19 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 20 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety.
- 21 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with

such approved details. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan.

- 22 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the very special circumstances of the site are of sufficient weight to set aside the development plan policy which would otherwise indicate an employment use for the site. Residential development has been demonstrated as the only viable option for the development of the land and the granting of permission would remove an existing eyesore.
