

Application No: [W 20 / 0878](#)

Town/Parish Council: Bishops Tachbrook
Case Officer: Lucy Hammond

Registration Date: 15/06/20

Expiry Date: 14/09/20

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**Lower Heathcote, Local Centre, Vickers Way, Harbury Lane, Warwick,
CV34 6SL**

Construction of a mixed-use local centre, including retail, office, nursery and care uses, supported by public space, landscaping and parking; construction of two new vehicular and pedestrian accesses from Vickers Way; earthworks, ground raising and other ancillary works. FOR LSP Developments Limited & Gallagher Estates Limited

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

That Members of the Planning Committee grant planning permission, subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

This is a full planning application, seeking permission for a mixed use local centre which comprises retail uses, an office building, a care home and a children's day nursery, all supported by public space, landscaping and parking, the construction of two new vehicular and pedestrian accesses from Vickers Way and associated works including earthworks and some ground raising.

By way of a summary the proposals include the following buildings (sizes represent gross floor space of each building):-

- Retail (convenience/food store) - 372 sq.m.
- Retail (non-food store) including non-residential institution element - 455 sq.m.
- Children's Day Nursery - 576 sq.m.
- Office building - 2,395 sq.m.
- Residential Care Home - 4,376 sq.m.

For the avoidance of doubt, the retail uses including a non-residential institution element proposed within the local centre previously covered the Use Classes identified as A1-A5 inclusive and D1 but following the change to the Use Classes Order, effective 1st September 2020, all these have been deleted. Use Classes A1-A3 have now been amalgamated into the new Use Class 'E' while A4 (drinking establishments) and A5 (hot food takeaways) are *sui generis* meaning there are no permitted changes to/from these latter classes. Former Class D1 also falls into the new Class 'E' for the type of use envisaged for this local centre

site, such as health centre/clinic (e.g. dentist) or day centre to facilitate a community use.

THE SITE AND ITS LOCATION

The site lies on the south side of Harbury Lane and comprises approximately 1.8 hectares of undeveloped land adjacent to Heathcote Primary School which lies on the eastern side of the site. Vickers Way bounds the west and south boundaries of the application site, while Cox Gardens, an established residential cul-de-sac of approximately 20 units partially interrupts the site towards the southern edge creating a separation between the part of the application site on which the nursery is proposed from the rest of the site on which the other buildings are proposed. The site is cleared, forming part of a wider site which was subject to an outline permission approved in 2014. This is covered in the planning history section below.

The site is in Flood Zone 1, is not within the West Midlands Green Belt, or a conservation area, nor are there any other heritage assets nearby. There are no other relevant landscape designations or planning constraints relevant to the consideration of this application.

PLANNING HISTORY

Of direct relevance to this site are two previous outline permissions covering a much wider site area of which the site subject to this application forms a small part. The two previous outline permissions comprise the original (W/14/0661) and the subsequently varied permission (W/15/1452) which allowed a fabric first approach for the development. The approved scheme was for the development of up to 785 dwellings, three access points (one from Europa Way and two from Harbury Lane) a mixed use community hub/local centre to include retail development and community buildings, a primary school, green infrastructure, open space, allotments, footpaths and cycleways, drainage infrastructure and ground re-modelling.

Since the approval of the outline permission, reserved matters applications have been submitted in two phases, totalling 785 dwellings, though neither are relevant to this application site which, in the outline permission and the approved masterplan was indicated as the location for the delivery of the local centre. Since outline planning permissions are approved subject to a time limit condition, requiring applications for approval of the reserved matters to be made to the local planning authority not later than three years from the date of the decision, or, in this case, the date of the first decision which was 19th September 2014, and since no such application for the approval of reserved matters was forthcoming on the application site within the requisite time period, the outline permission expired. Accordingly, this full planning application for the proposals currently before Members has been submitted.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS5 - Presumption in Favour of Sustainable Development

- DS11 - Allocated Housing Sites
- DS15 - Comprehensive Development of Strategic Sites
- PC0 - Prosperous Communities
- EC1 - Directing New Employment Development
- TC3 - Providing for Shopping Growth in Leamington Town Centre
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS2 - Protecting Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW4 - Water Supply
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Open Space (Supplementary Planning Document - April 2019)
- Warwickshire Landscape Guidelines SPG

SUMMARY OF REPRESENTATIONS

Bishops Tachbrook Parish Council: Objection for the following reason:

- There are concerns the proposal is not in conformity with the plan shown in the planning permission for W/14/0661
- The masterplan for W/14/0661 allocates an area shaded blue for use as a Local Centre but is now proposed to include an office, care home, convenience store and up to 4 other retail shops
- The office block and care home both provide large areas of parking with poor views over parking for care home residents
- There is no facility for any community functions other than the convenience store
- The masterplan for W/14/0661 allocates an area shaded green for public open space but now proposes a nursery on this site
- The site for the nursery is considered too small, close to the road and has insufficient traffic provision which would be dangerous to young children using the site
- The nursery would result in the loss of open space
- The PC questions the need for a care home which should be justified and offices, which is not a community facility; the site has insufficient recreational outdoor space for the number of places stated

Environmental Health: No objection subject to conditions

WCC Highways: No objection subject to conditions and advisory notes

WCC Ecology: No objection subject to conditions and advisory notes

Lead Local Flood Authority: No objection subject to condition

Warwickshire Fire & Rescue: No objection subject to condition

WCC Landscape: No objection

Open Space: No objection

Policy Team: No objection

WCC Infrastructure Team: No comments to make (and no S.106 requests)

Clinical Commissioning Group (Doctor's): No comments to make (and no S.106 requests)

Public Response: 5 letters of objection raising the following concerns:

- Overshadowing from buildings
- Noise from construction
- Loss of privacy
- Increase in traffic/congestion
- Adverse effect on parking problems in local area
- Harmful impact on the character of the area
- Impact on air quality

1 letter of support received though this does not provide material reasons for that support but seeks some points of clarification about the development.

ASSESSMENT

The main issues relevant to the consideration of this application are considered to be:

- Principle of development
- Visual impact / impact on landscape
- Impact on neighbouring / residential amenity
- Environmental health considerations
- Access and parking / highway safety
- Ecological impact and biodiversity
- Landscaping and open space
- Drainage and flooding

Principle of development

There are various elements to the principle of development for this scheme which have been set out under their respective sub-headings below.

Outline permission for the wider site

The outline permission which approved up to 785 dwellings along with a range of other associated developments and works, also permitted a mixed use local centre including retail and community uses. The approved masterplan for the site showed the site which forms the subject of this application (with the exception of the area on which the nursery is proposed) as the location for the local centre and to that end it was anticipated that this would be the location for such a facility. Although no application for reserved matters was ever forthcoming within the time period on this particular part of the site and therefore the outline permission expired, it is still considered that the principle of a local centre in this location is in the spirit of the outline permission and the parameters set out in the approved masterplan.

However, this is a full application which must now be considered on its own merits and to that end, each component part of the development is considered against the relevant part of the Development Plan below.

Provision of retail

The main purpose of redeveloping this site is to form a mixed use local centre, in accordance with the original scope of the outline permission (albeit now expired on this site), the purpose of which is to serve the residents of the surrounding residential developments which have been recently delivered within the Lower Heathcote area. In terms of the retail offer, there are two elements; the standalone convenience store and in addition, 4no. ancillary retail units comprising three of equal size plus one larger unit, where one might be more of a community use.

Policy TC2 of the Warwick District Local Plan requires new retail development to be directed towards town centres, within the retail areas, as a first preference. The sequential test approach is applied, requiring sites on the edge of retail areas to be considered next, and if no suitable sites are available in any of the preferred locations, out of centre sites will be considered.

Notwithstanding the above provisions, Policy DS11 is also relevant as this relates to allocated housing sites. H02, of which this site forms a part, is referred to in DS11 insofar as it is allocated for housing development *and associated infrastructure and uses*. Part of the identified infrastructure requirements and other uses include a local centre and other community facilities. A local centre will, by definition, include a retail offer which is envisaged to benefit the surrounding residents of the development it serves; in this case the Lower Heathcote development which is already well established along Harbury Lane. The provision of a local centre therefore accords with Policy DS11 insofar as it would satisfy the infrastructure requirements for housing allocation H02.

This aside, in applying the provisions of Policy TC2 of the Local Plan, which requires a Retail Impact Assessment for proposals over 500 sq.m. (gross floor space) to accompany any proposal for retail development outside the town centre, the applicants have included such supporting information within their Planning Statement because the proposed development collectively comprises 827 sq.m. (gross floor space) of retail.

This sets out that the purpose of the inclusion of a local centre on this site was to ensure that the day to day retail needs of new residents could be met in a sustainable manner and accordingly, the extent of the retail development proposed is therefore intentionally limited to only meet those localised 'top-up' retail needs; for example, 'express' or local style retail store, while the other units might be occupied by smaller units such as independent retailers, for example, hair/health and beauty, hot food takeaway, coffee shop, estate agent, dentist/health use.

As such it should be clear that the local centre is not proposed, or intended to serve as a destination retail centre, nor is it likely to draw customers from beyond the proposed housing allocations south of Leamington Spa. Accordingly, officers are satisfied that the retail element of the proposals would have no impact on the vitality and viability, including local consumer choice and trade in the town centre and therefore the proposals accord with Policies DS11 and TC2 of the Local Plan.

Provision of care home

The proposed care home would provide 75no. single occupancy en-suite bedrooms and is designed to be flexible in terms of the layout of accommodation provided, in order to meet the needs of all aspects of elderly care provision including both nursing and personal care of residents with varying dependency levels. This is a residential care home in the typical sense, without any element of assisted living units incorporated into the development and to that end, the two relevant policies of the Local Plan are H1 and H5. H1 states that new housing will be permitted within the Urban Areas, which this site is within, so in this regard, the provision of a new care home is considered acceptable.

Policy H5 relates to specialist housing for older people and permits such schemes where:

- a) the site is in close proximity to shops, amenities and public transport. This will not normally be within the open countryside or within the boundaries of Limited Infill Villages (as set out in Policy H1); and
- b) it can be demonstrated that satisfactory Primary Health Care services to serve the residents of the development will be available within reasonable proximity; and
- c) the development makes a positive contribution towards meeting the identified need for specialist housing for older people as identified in the latest Strategic Housing Market Assessment and as agreed by Warwickshire County Council (as the provider of Adult Social Care).

In accordance with the above,

- a) if permitted, the site would be immediately adjacent to the approved local centre which would include a food store plus a range of other non-food retail units providing the necessary day to day services and amenities and has been purposefully designed and laid out in this way to have an interface with the local centre thus encouraging social interaction between the two facilities. Additionally, the location of the care home is also in very close proximity to public transport links; there is a bus stop 240m walking distance to the west of the site and another 330m east of the site;

- b) there are satisfactory Primary Health Care services within reasonable proximity and while the CCG was consulted on this application, they confirmed in their response that no financial contribution request would be required on this development; and
- c) the development responds positively to an identified need in the SHMA, which provides an indicative assessment of a need for 630 units of specialist housing for older people (sheltered and extra care) per annum. The applicants' own care homes needs assessment undertaken to inform their proposals highlighted there is currently a shortfall of 68 market standard care home bed spaces within a typical six mile catchment area of the site, which is set to increase before the anticipated opening date of the care home of 2022. While a formal consultation response has not been forthcoming from the County Council Care & Choice Accommodation Team and thus the above position has not been formally agreed, officers are satisfied that the proposed care home makes a positive contribution towards meeting an identified need for specialist housing for older people as identified in the latest SHMA and as such, accords with the provisions of H5(c).

Provision of nursery

On the area of land to the south of the site, partially separated from the rest of the site by Cox Gardens, would be the proposed children's day nursery. It is anticipated this would have capacity to accommodate up to 100 children and its position next to Heathcote Primary School, which is situated on land to the east, is noted.

Policy HS1 provides for healthy, safe and inclusive communities and gives support for proposals that (i) provide good access to local shops, employment opportunities, services, *schools and community facilities*. The provision of a children's day nursery falls within the latter part of the italicised text insofar as it is a community facility and in this instance, would be positioned next to an existing school, as part of a wider local centre facility which is intended to serve the Lower Heathcote community. It is considered that this is a complementary use within the local centre development proposal that would not only benefit the surrounding community but would offer a positive inclusion in terms of its positioning and proximity to the adjacent primary school.

Provision of offices

Following the sale of Gallagher Estates to L&Q in 2017, the business has expanded in terms of additional employment opportunities and employees from other L&Q teams needing to utilise Warwick based premises. The current Gallagher House no longer satisfies the working requirements of the wider L&Q teams who therefore need to move to new premises. Part of this application therefore proposes a new office building, over three floors, which would be positioned at the site's frontage addressing Harbury Lane, into which L&Q could re-locate.

Policy EC1 directs new office development (in urban areas) to the town centres first. Outside of town centres, office development will be permitted in accordance with criteria i) and ii) of the policy; where i) is within the employment land allocated in Policy DS9 and, ii) is within established and committed employment

areas in Policy EC3. For the avoidance of doubt, neither of these are applicable in this instance.

A sequential approach is then applied outside of town centres. The policy states that proposals for office development in locations at the edge of the town centres will also be considered if no suitable sites are available in any of the preferred locations above. Thereafter, only if no suitable sites are available in an edge-of-centre location will out-of-centre locations be considered.

The policy only requires an impact assessment to be undertaken for proposals over 2,500 sq.m. Since the proposed office building is less than 2,500 sq.m. an impact assessment is not required to accompany this application.

A sequential assessment has been undertaken in support of this application, which has been fully reviewed and considered by the Planning Policy team. The assessment considers a number of town centre and edge-of-centre sites, which could potentially be suitable for office use, but which were discounted for the proposed use by L&Q for a number of reasons, linked to both operational and logistical requirements for the new premises.

The Policy Team has further confirmed their support for the Local Centre and are satisfied with both the content and rationale of the sequential assessment undertaken as well as the appended information in relation to the town centre and edge-of-centre sites considered.

Moreover, it is considered that the presence of an office building within the local centre will serve to support the vitality and longevity of the retail units throughout the day, with office workers utilising the primary unit for top-up shopping, lunch and other needs, whilst any smaller units that may be present, such as a coffee shop, would also undoubtedly benefit from trade arising directly from within the office building.

Loss of open space

It has been noted in the Parish Council's comments that the area of land on which the nursery is proposed was originally reserved in the masterplan for the wider site as public open space. This is factually correct; the triangular shaped area that makes up the southern parcel of the site, below Cox Gardens, on which the proposed nursery would be located, was originally indicated on the approved masterplan that formed part of the outline permission for the wider H02 allocation of up to 785 dwellings, to be part of the public open space provision.

There are a number of on-site circumstances which have advanced since the outline permission was approved together with several material considerations to be weighed in the planning balance in considering this point, all of which have ultimately been confirmed/supported by the Open Space and Site Delivery Officers. These are set out below:-

- d) All reserved matters permissions pursuant to the outline in relation to the residential development have since been approved and development is either complete and occupied or substantially complete;
- The transfer of public open space (POS) in respect of each of the above two phases of residential development has been completed with the

District Council and this would not have been possible if it did not meet the requisite standards in terms of quantity and appropriate typologies in accordance with the Open Space SPD;

- The site, as a whole, is well served by existing POS and moreover has the benefit of the Country Park which is within walking distance of the site;
- The development proposes the delivery of a local centre which accords with the principles of Policy DS11, which plans for the District's allocated housing sites; in this case, Site H02, where a number of residential properties and other infrastructure has been developed but the local centre has not yet been brought forward. These proposals would provide a number of key facilities for the local community, further supporting the presumption in favour of sustainable development; and
- There are no objections to the loss of this small area of open space for development, in the context of the wider site, from the Open Space team.

In view of all the above, the comments of the Parish Council are acknowledged and have been taken into consideration. However officers are satisfied, on balance, that the loss of this small area of open space would not cause sufficient material harm to the amenity of the wider Lower Heathcote development with regard to the provision of public open space to justify a refusal of permission. Moreover, when balanced against the benefits of the proposal, together with the amount of POS serving the wider site, the proximity of the Country Park and the support from the Open Space team, officers are satisfied that the development of this part of the site is acceptable in principle.

Conclusion on the principle of development

Taking into account all of the above; each of the component parts of the development proposals and having regard to the history of the site in relation to the previous outline permission, officers are satisfied that the principle of development is overall considered to be acceptable, in accordance with Policies DS11, TC2, H1, H5, HS1 and EC1 of the Warwick District Local Plan 2011-2029.

Visual impact / character of area

Policy BE1 requires new development to positively contribute to the character and quality of its environment through good layout and design. Such ways through which this can be achieved may include development proposals demonstrating that they (for example) respect surrounding buildings in terms of scale, height, form and massing; adopt appropriate materials and details; and ensure all components, e.g. buildings, landscaping, access routes, parking and open spaces are well-related to each other and provide a safe and attractive environment.

As a complete development, the proposals have been designed to complement one another and are laid out accordingly within the site. The office building is the tallest structure and would front Harbury Lane. Behind it, the care home and retail centre sit adjacent to one another, separated by a central 'feature square' which has public amenity value for all users of the site. A primary benefit of this layout is the interface between both the office and retail centre and the care home which facilitates an active frontage during the day when residents of the care home are more likely to be looking through their bedroom windows or

sitting outside and as such will be able to engage with the activity generated by the presence of the retail units and office in their chosen positions.

Although not visually connected in the same way *from within* the site due to the presence of Cox Gardens, the nursery still responds positively to the rest of the development through its position and orientation in the southern corner. Its primary south facing elevation faces outwards onto Vickers Way which wraps around the site and the proposed 'U-shaped' building would be positioned in the corner of the plot such that it faces back into the site, towards its proposed amenity area and back towards the rest of the site where there is, again, the potential for children during break time, and residents of the care home who may be looking out of their windows or standing on the proposed first floor terrace, to have some interaction with the nursery, thus promoting a higher level of engagement than if the nursery were closed off from the rest of the development.

The office building is proposed at three storeys high with a hipped roof. It would be constructed of predominantly red brick with some render and with a slate grey tiled roof. The surrounding residential development comprises a mix of red brick and render and two and a half storey dwellings and apartment blocks are not uncommon. The office building on this main road frontage, as proposed, is therefore considered visually acceptable and an appropriate design feature to front the rest of this development.

The care home is the other three storey building within the development, arranged in an 'L-shape' plan form behind the office. This would be constructed of the same red brick as the office but would also incorporate a light grey brick as well as render. The nursery and the retail units are all single storey buildings. The nursery would be render with some timber cladding while the retail units would be red brick and the convenience food store would look to use a lighter buff brick. Officers consider this incorporates a good mix of materials across the development, which complements the character of the surrounding area. Subject to a condition requiring samples of the materials to be used ensuring the finished appearance of the development is acceptable, officers are satisfied the development accords with Policy BE1.

Impact on neighbouring / residential amenity

Policy BE3 states that development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents. At the same time, the policy also requires development to provide acceptable standards of amenity for all future users and occupiers of the development.

None of the proposed buildings, in a physical sense, would result in material harm to existing residential dwellings by reason of overbearing, loss of light or loss of privacy due to their position and orientation within the application site and furthermore due to the separation distances involved to the nearest existing residential properties, i.e. Cox Gardens to the south and the properties in Vickers Way to the west. It is also worth noting that the nearest proposed buildings to the existing residential dwellings are the single storey buildings that would make up the retail premises and the proposed nursery. The three storey

developments are further away towards the east and north boundaries of the site and as such further away from existing residential development.

In terms of the uses proposed, the nursery, by its nature, is likely to generate some noise throughout the day, specifically during children's break times and outdoor activities. Through the submission of additional information in response to the Environmental Health Officer's (EHO) initial concerns in regard to this specific element of the proposal, officers are now satisfied that this can be adequately mitigated by conditions, securing both a Noise Management Plan and also details of acoustic fencing and planting to be erected along the western boundary shared with the properties in Cox Gardens.

With respect to the care home, the EHO initially raised some concern about relying solely on mechanical ventilation systems as an adequate mitigation solution against road traffic noise levels on the north and eastern façades of the development. This can compromise internal living environments and while windows could still be opened, residents would then be exposed to levels above recommended guidelines. Additional information has been provided by the applicants on this matter which has been given further consideration by the EHO. This includes an explanation of the fact that residents would have access to quieter amenity spaces throughout the care home including outdoor amenity areas and terraces that largely achieve the upper guideline noise levels.

To ensure that the proposed retail units do not operate at unsociable times, likely to cause noise disturbance to local residents, it is proposed that the opening hours are conditioned, restricting opening and closing times on any given day to between 07:00 and 23:00hrs, as recommended by the EHO. In addition, it has also been agreed with the applicant to remove the use class A4 (drinking establishments) from the proposed retail centre due to the close proximity of these units to existing residential dwellings and the potential impacts in terms of noise and anti-social behaviour that might arise from such a use. Should an A4 use be required in the future, further information would need to be provided to demonstrate that the use of the unit would not give rise to noise disturbance to local residents before the application is determined.

The provision of access to alternative amenity areas is seen as a means under the Planning Practice Guidance for Noise to partially off-set adverse noise impacts. It is also acknowledged that road traffic levels may not be continuously elevated therefore there are likely to be shortened periods of time where windows can be opened without elevated noise levels being experienced. The EHO accepts this may not be an ideal, however, the proposed noise mitigation scheme would achieve an acceptable internal noise environment in accordance with relevant guidelines and accords with the recommendations of Planning Practice Guidance for Noise and therefore has no objection subject to a condition requiring the development to be carried out in accordance with the noise mitigation and ventilation scheme.

Each of the buildings have their own outdoor space; in particular the nursery, care home and office have amenity areas surrounding the building for use by future occupiers/users which are considered acceptable in terms of size, location and privacy, relative to the use of the building.

Having regard to all of the above, officers are satisfied that the development is acceptable in this regard and as such accords with Policy BE3.

Environmental Health Considerations

Delivery / hours of operation

The EHO initially raised concern in respect of the proposed delivery vehicle route for the retail units since their delivery areas are located on the south elevation, closest to the dwellings in Cox Gardens, which it appears delivery vehicles would utilise to access the site. It would therefore seem more appropriate for delivery vehicles to access the units via the new access from Vickers Way in order to reduce the number of dwellings impacted by delivery vehicle noise, however, if access is required via Cox Gardens, then it is recommended that delivery hours are restricted to minimise the noise impacts on those dwellings. This can be achieved by condition which has been agreed by the applicants.

Odour control

In the event any of the retail units were to be used for the preparation and sale of hot food, details of kitchen extraction equipment would need to be submitted and approved by the Local Planning Authority to ensure cooking odours do not adversely impact on nearby residential amenity. This can be secured by condition, which can be a pre-occupation condition, as recommended by the EHO, and has been agreed with the applicants.

Plant noise

With respect to any external plant and equipment that may be required to serve the proposed development and to ensure that any such equipment does not give rise to noise disturbance, the EHO has recommended a condition in accordance with which that plant should be installed and maintained. This restricts noise levels and has been agreed with the applicant.

Land contamination

A Phase I and II ground investigation report was submitted with this application, which builds upon the previous site investigations completed for the larger Lower Heathcote development. This identified that there is a low risk of contamination at the site and no specific remediation measures are proposed. On this basis, the EHO recommends a watching brief is maintained throughout the development in the event that any previously unidentified contamination is discovered during development of the site, which can be secured by condition.

Air quality

An air quality screening report was submitted with this application stating that the air quality impacts of the wider Harbury Lane/Lower Heathcote development were previously assessed under the outline application for the site and therefore the only additional traffic generated by the proposed development would be from the proposed office and care home buildings. These aspects of the development have been classified as minor under the Air Quality and Planning SPD, thus requiring a proportion of electric vehicle charging points. The proposed site plan indicates that 6no electric vehicle charging points will be provided for the

proposed office building, but since mitigation measures for the remaining units are not shown within this proposal, the standard condition, requiring an appropriate scheme of mitigation in accordance with the SPD to be submitted and approved, should be attached to any forthcoming permission. This would include electric vehicle charging infrastructure in accordance with the SPD, as recommended by the EHO.

Construction impacts

The submitted noise assessment report has identified that existing residents could be exposed to elevated levels of noise and vibration as a result of the land preparation and construction process. In order to minimise any disruption or loss of amenity during the construction phase, a construction management plan is required by way of a planning condition which shall require the developer to demonstrate how environmental issues such as noise, dust, and vibration will be managed.

All of the above has been discussed, reviewed and agreed between the applicants and the EHO and officers are satisfied that any potential impacts can be adequately mitigated for through conditions as recommended by the EHO. The development is therefore considered acceptable in all of the above respects.

Access and parking / Highway safety

Policy TR1 requires development to provide safe, suitable and attractive access routes for all road users; including drivers of motor vehicles as well as cyclists, pedestrians and public transport users. The policy expects development proposals to demonstrate that they (inter alia) are not detrimental to highway safety and, where practical, incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Two new accesses are proposed off Vickers Way; one to the west, to serve the office and retail units and the other to the south to serve the nursery. The care home would be accessed off Cox Gardens.

A Transport Statement which provides an assessment of the potential impacts of the proposals on the operation of the highway network in the vicinity of the site and includes information about trip generation and trip distribution has been considered by the County Highway Authority. In their formal response, consideration has been given to the mixed use local centre that was approved as part of the outline permission, together with the primary school that has already been delivered with extensions to provide the second phase under construction. With a further application that considered an additional 150 dwellings over and above the original outline figure of 785, the Highway Authority confirm that the Transport Assessment found that the total 935 dwellings were acceptable.

Overall, the nature of the proposals that form this application will result in a minimal impact on the operation of the highway network and to that end there would be no detriment to highway safety as a result of this development.

Policy TR3 requires development to make provision for parking which has regard to the location and accessibility of the site by means other than the private car, does not result in on-street car parking detrimental to highway safety; takes

account of the parking needs of disabled car users, motorcyclists and cyclists; and takes account of the requirements of commercial vehicles. Moreover, development will be expected to comply with the parking standards set out in the most recent Parking SPD.

All the uses within the development propose a level of parking provision which accords with the adopted Parking Standards. The nursery is slightly in excess of the standards, but unlike all other uses where parking requirements are based on the size of the building, parking for the nursery is determined by the number of FTE staff and must include space for dropping off and collecting children as appropriate. At the time of this submission it is anticipated that the number of FTE staff will be 15. 18 spaces are proposed which includes space for dropping off/picking up and waiting and also covers a small increase in staff numbers should this occur in the future.

Cycle spaces are provided for within each site and is illustrated on each site plan for the respective building layout plan. Ambulance parking is provided for at the care home in accordance with TR3. While electric vehicle charging provision is shown for the office development this is not shown for the other buildings but can still be provided for and secured by the standard air quality condition which requires such details to be submitted and approved in writing prior to the occupation of each respective building, as recommended by the EHO.

In accordance with the above, and in view of the County Highway Authority's response of 'no objection' officers are satisfied that the development is acceptable in this regard and as such accords with Policies TR1 and TR3.

Ecological impact and biodiversity

Policy NE2 seeks to protect designated areas and species of national and local importance for biodiversity. Proposals likely to impact on such assets will be subject to an ecological assessment and will only be permitted where the proposal is justified and where it is demonstrated that the proposed mitigation or compensatory measures are equivalent to the value assigned to the site/asset in the ecological assessment.

The application site has undergone disturbance due to previous development activities and lack of management. It is now recorded as predominantly of ephemeral / short perennial habitat with areas of bare ground, along with an area of ruderal vegetation, and hedgerows with trees. To the south the area is predominantly amenity grassland. A preliminary ecological appraisal and other accompanying survey work was submitted with the application which was considered by the County Council Ecologist. Following the submission of additional information/clarification from the applicants in response to some initial comments from the County Council, a response of 'no objection' was forthcoming from the County Ecologist, subject to recommended conditions requiring the submission of a CEMP and LEMP together with details of tree protection and any lighting to be installed.

The development is therefore considered acceptable in this regard and in accordance with NE2.

Landscaping and open space

All existing trees along the Harbury Lane road frontage are proposed to be retained with tree protection measures put in place to ensure the car parking for the office does not impinge on the root protection areas. There are 6 no. trees towards the eastern boundary of the site which would need to be removed to facilitate the development but it is noted that there are no TPOs nor is the site in a conservation area. An arboricultural assessment was submitted with the application which concludes that the six trees are Category B and C trees; the findings of the assessment conclude that their removal would have a low to moderate impact on the site and surrounding landscape. It is however proposed to replace any removed trees with new trees along the eastern boundary of the site to strengthen and enhance the green corridor that separates the application site from the adjacent site on which the primary school is located.

Following some discussion with the County Council Landscape officer and further revisions being made to the landscaping plans in response to specific comments about species planting and spacing widths for hedge planting there are no objections to the proposals from a landscaping point of view. This would be subject to conditions ensuring the development is carried out in accordance with the mitigation measures set out in the submitted arboricultural assessment and that appropriate tree protection is put in place prior to the commencement of development on site.

The Open Space team has reviewed the proposals and sought some additional information before providing a final response of 'no objection'. As part of the scheme a new public square would be created, which would significantly enhance the public realm, and therefore comply with Policy NE4 which encourages new development to positively contribute to the character of an area. It is likely that this public square would be well used by local community groups, office workers during lunch breaks and possibly staff and other people associated with the care home.

Landscaping is used throughout the site to assist with defining the spaces, but to also assist with softening parts of the scheme i.e. the parking area to give the scheme a natural and green theme, which would complement the application site but also the wider contextual setting of the development being in close proximity to the 56-hectare Tachbrook Country Park.

The office has pockets of landscaping to enable workers to enjoy external seating opportunities.

The on-site nursery offers a large external play space to encourage children to engage with their environment, whilst also offering the opportunity to learn and use nature to stimulate the senses.

Whilst the care home is central to the plan, landscape design has been used to ensure that the care home feels part of the community while still maintaining the privacy of residents which is achieved through detailed planting.

Overall, when taking into account how well served the site and surrounding Lower Heathcote development already is by public open space, and moreover

how close the local centre would be to the 56-hectare Country Park, which is just a short walking distance from the site, in the absence of an objection from the Open Space team, who, on this occasion have not deemed it necessary to request a financial contribution towards the provision or improvement of public open space in the vicinity, officers are satisfied that the development is acceptable in this regard.

Drainage and flooding

The site is in Flood Zone 1, the area at the lowest risk of flooding according to the Environment Agency's records. A Flood Risk Assessment and Drainage Strategy was submitted with the application which was considered by the relevant statutory consultees; this demonstrates that surface water is to be disposed of to a sustainable drainage system while foul water will be disposed of to a mains sewer.

There are no objections subject to conditions from the relevant drainage consultees, aside from which there are separate duties placed on the applicant to ensure that any obligations are discharged in accordance with the statutory undertakers (this is not a planning matter) prior to occupying/operating the site.

Officers are satisfied that the development is acceptable in terms of its impact on drainage and flood risk and therefore accords with Policies FW1 and FW2.

Other matters

Bin storage is shown for each aspect of the development and a condition requiring details of the final appearance and design of this should be imposed on any forthcoming permission to ensure the finished appearance is suitable. Likewise with the details for the proposed substation and external plant compound, the details of which are annotated on the site layout as 'possible' position. It is therefore appropriate to impose a condition requiring details of the final siting, design and appearance prior to the installation of any such equipment and structures to ensure an appropriate finished appearance, especially given the latter are likely to be positioned near to the site's frontage and therefore visible from the public domain and main site entrance off Harbury Lane.

Summary/Conclusion

The principle of development is considered acceptable having regard to the provisions of policies DS11, TC2, H1, H5, HS1 and EC1. Moreover, the site proposes the delivery of a local centre and other facilities which would benefit the local community which is something that was identified as forming part of housing allocation H02 'Land south of Harbury Lane'. The delivery of this proposal therefore accords with this policy requirement and, in officers' opinion, would deliver the local centre and other infrastructure requirements, including community uses the policy identified at the time.

The design and layout of the development enables social interaction and engagement between all uses, in particular the care home, office and retail uses, promoting active frontages and a community cohesion that residents of the care home would not otherwise benefit from if the care home were proposed in a

more isolated location. The design and materials proposed for each of the buildings is considered appropriate in the context of the site and wider surroundings and reflects the character of the existing residential development around it.

The new development would not impact adversely on existing dwellings and any potential impacts by reason of noise or odours can be adequately mitigated by condition. Future occupiers of the buildings are suitably provided for with good standards of amenity through adequate outdoor spaces, and with regard to any potential impacts arising from noise, there are suitably worded conditions recommended by the EHO to safeguard against adverse impacts in the future which either restrict opening hours, deliveries or noise levels and/or require further information in the form of a Management Plan that can be monitored over an ongoing period of time.

There would be no detriment to highway safety as a result of the proposals and the development proposes a level of parking which accords with the Council's adopted standards. Cycle parking is proposed across the development; electric vehicle charging points are currently shown within the office development but details can be secured by condition for the other elements of the development.

There are no objections to the development from the County Council Ecologist subject to a number of conditions requiring further details. Similarly, in terms of landscaping, there is no objection to the loss of the identified 6no. trees near to the eastern boundary to facilitate the development since these will be replaced with new trees along the eastern boundary of the site, enhancing the green corridor that runs north to south from Harbury Lane to Vickers Way.

With respect to open space provision, the development proposes some within and around the site and the Open Space officer has raised no objection, confirming the site is already well served by public open space and in this case in particular, this and the surrounding development has the benefit of the Tachbrook Country Park, which is a total of 56 hectares, within a short walking distance.

The proposed measures to deal with surface water and foul water drainage are considered acceptable and there are no objections from the relevant statutory consultees in this regard.

Overall, the proposal represents a wholly sustainable form of development that would benefit the wider community and one which responds to an infrastructure need that is identified in Policy DS11 for this housing allocation of which the application site forms a part. For all these reasons it is recommended that the Planning Committee grant planning permission, subject to the conditions listed below.

- 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 Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby permitted, except that associated with the enabling works set out within Condition 2, shall commence until all respective pre-commencement conditions (Conditions 4, 5, 6 +7) have been discharged by the Local Planning Authority.

The enabling works shall include; site clearance to Plots 1A, 1B and 3 which, for the avoidance of doubt, are illustrated on Drg. No. 8437-200 Rev.A., including vegetation/hedge and tree removal as required; earthworks and ground raising; formation of accesses within the spine road (Vickers Way); construction of foul water drainage spur to the nursery within the spine road (Vickers Way); laying of services and diversions within the spine road (Vickers Way); and, access works from Cox Gardens into Plot 1B.

REASON: To ensure that development associated with an agreed list of enabling infrastructure and site preparation works can proceed in a timely fashion.

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

PL_02 Rev.A, PL_03, PL_04 Rev.C, PL_05, 701 Rev.P2, 700 Rev.P3 and BM11980-002 Rev.B and specification contained therein, submitted on 15 June 2020;

approved drawing BM11980-004A and specification contained therein, submitted on 21 September 2020;

approved drawings 2755-HIA-02-XX-DR-A-0100 Rev.P2, 2755-HIA-02-XX-DR-A-0104 Rev.P2, 2755-HIA-02-XX-DR-A-0101 Rev.P2, 2755-HIA-02-XX-DR-A-0103 Rev.P3, 2755-HIA-02-XX-DR-A-0102 Rev.P2, 20175 500 Rev.P4 and 20175 FRADS P3 and specification contained therein, submitted on 25 September 2020;

approved drawing BM11980-001 Rev.F and specification contained therein, submitted on 30 September 2020;

approved drawing 2755-HIA-03-XX-DR-A-0221 Rev.P2 and specification contained therein, submitted on 7 October 2020;

approved drawings 8437-200 Rev.A, 710 Rev.P3 and 711 Rev.P3 and specification contained therein, submitted on 12 October 2020;

and approved drawings 2755-HIA-00-00-DR-A-01001 P4, 2755-HIA-01-XX-DR-A-0301 Rev.P1, 2755-HIA-01-XX-DR-A-0302 Rev.P1, 2755-HIA-ZZ-XX-DR-A-0200 Rev.P1, 2755-HIA-ZZ-XX-DR-A-0201 Rev.P1, 2755-HIA-ZZ-XX-DR-A-0202 Rev.P1, 2755-HIA-02-XX-DR-A-0211 Rev.P1 and 2755-HIA-02-XX-DR-A-0212 Rev.P1 and specification contained therein, submitted on 23 October 2020.

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.

- 4 No plot of the development hereby permitted shall commence unless and until a Construction Management Plan (CMP) for that plot 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; details of all temporary contractors buildings; 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) 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 plot of the development hereby permitted (other than the agreed enabling infrastructure and site preparation works, set out in Condition 2) shall take place until a hard and soft landscaping scheme for that plot 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 any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. 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; and 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.

6 No plot of the development hereby permitted (other than the agreed enabling infrastructure and site preparation works, set out in Condition 2) shall take place until a detailed Landscape and Ecological Management Plan for that plot has been submitted to and approved in writing by the Local Planning Authority. The LEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029 and the NPPF.

7 No development in pursuance of the agreed enabling infrastructure and site preparation works listed below shall take place until a Construction and Environmental Management Plan/Report specifically in relation to those enabling works has been submitted to and approved in writing by the Local Planning Authority:-

- site clearance to Plots 1 and 3, including vegetation/hedge and tree removal as required;
- earthworks and ground raising;

Thereafter, no additional development hereby permitted shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CEMP needs to be compliant with the British Standard on Biodiversity BS 42020:2013 published in August 2013. In discharging this condition the LPA expect to see details concerning pre-commencement checks and monitoring for protected and notable species, and habitats as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011-2029.

8 No works above slab level in pursuance of the Nursery phase of the development hereby permitted shall be carried out unless and until details of the acoustic fencing to be erected at the Nursery along the western boundary adjoining Cox Gardens have been submitted to and approved in writing by the Local Planning Authority. The fencing shall thereafter be installed in strict accordance with the approved details prior to the first occupation and maintained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To ensure that adjoining residents do not experience unacceptable

levels of noise, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 9 No plot of the development hereby permitted shall be carried out above slab level unless and until samples of the external facing materials to be used for that plot 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.
- 10 No external plant or equipment shall be installed or operated within the development hereby permitted, unless and until details of such plant or equipment have been first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details. **REASON:** To ensure an acceptable appearance for such works in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 11 Prior to the installation of any substation within the development hereby permitted, details of the siting, external appearance and any means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details. **REASON:** To ensure an acceptable appearance for such works in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 12 Prior to the installation of any covered or other enclosed bin storage area within the offices of the development hereby permitted, details of the external appearance and any means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details. **REASON:** To ensure an acceptable appearance for such works in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 13 No lighting or illumination of any part of any building or any plot of the development hereby permitted shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed 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 plot of the development hereby permitted shall be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, for that plot has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in

strict accordance with the approved details. **REASON:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

- 15 No plot of the development hereby permitted shall be occupied or subsequently used until a detailed maintenance plan for that plot has been submitted to and approved in writing by the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including a contact name and details shall be provided to the Local Planning Authority within the maintenance plan. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 16 No plot of the development hereby permitted shall be occupied unless and until the car parking and manoeuvring areas for that plot, indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.
- 17 No plot of the development hereby permitted shall be occupied unless and until the approved cycle parking facilities for that plot have been provided and made available for use in accordance with the details on the approved plans and thereafter those facilities shall remain available for use at all times. **REASON:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 18 No plot of the development hereby permitted shall be occupied until a scheme for that plot which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such 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.
- 19 Prior to the occupation of the offices hereby permitted, six 32amp (minimum) electric vehicle recharging points shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging points have been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging

point infrastructure; and (3). Confirmation of the charging speed in kWh. 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.

- 20 No plot of the development hereby permitted shall be occupied unless and until the external refuse storage areas for that plot have been constructed or laid out, and made available for use by the users of that plot and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 21 No restaurant/café/takeaway hereby permitted shall be occupied unless:
- an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve the premises;
 - a) the results of the odour assessments carried out to comply with criteria (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
 - b) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.
- The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

REASON: To protect the amenities of surrounding properties, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 22 The use of the nursery hereby approved by this permission shall not commence until a Noise Management Plan relating to the activities to be carried out pursuant to this planning permission has been submitted to and approved in writing by the Local Planning Authority. Once approved, the agreed Noise Management Plan shall be implemented and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. Following its approval the noise management plan shall be reviewed in conjunction with the Local Planning Authority every 12 months for a total period of two years following first commencement of the use. This review shall be agreed in writing by the local planning authority. **REASON:** To ensure that adjoining residents do not experience unacceptable levels of noise, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

23 Prior to the first occupation of the care home of the development hereby permitted, the noise mitigation and ventilation scheme included within the 'Noise & Vibration Assessment Report' prepared by Wardell Armstrong, dated June 2020, ref. BM11980, Report No. 006, V0.1 shall be implemented and the development shall thereafter maintain these mitigation measures in accordance with these approved details in perpetuity. **REASON:** To protect the amenities of occupants of the care home and ensure an appropriate standard of living environment in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

24 Each plot of the development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy and in particular the following mitigation measures detailed within the approved documents:

- c) Limit the discharge rate from the Nursery Site generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 5 l/s.
- Provide provision of surface water attenuation storage as stated within the Drainage Strategy and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments'.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.

REASON: To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with Policies FW1 and FW2 of the Warwick District Local Plan 2011-2029.

25 The arboricultural control measures that are described and illustrated in the 'Arboricultural Impact Assessment' dated June 2020 and undertaken by Wardell Armstrong, and the tree protection measures illustrated on the Tree Protection Plan BM11980-002 Rev.B submitted on 16 September 2020 should be fully implemented in a timely fashion and properly maintained throughout the duration of the plot works. No development or other operations (including site clearance or other preparatory works) shall commence unless and until the appropriate tree protection measures have been put into place and thereafter shall remain in place for the full duration of any such construction work.

The integrity of the arboricultural control measures should be monitored by a competent arboriculturist throughout the development to ensure their compliance with the arboricultural assessment, and the reports submitted to the local planning authority for verification.

REASON: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.

- 26 Each plot of the development hereby permitted shall not be occupied until the access to that plot has been laid out and constructed in general accordance with drawing no.2755-HIA-02-XX-DR-A-0100 Rev.P2. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 27 The construction of the vehicular accesses serving the development including footways, cycleways and verges shall not be other than in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 28 No HGV movements during the construction phase will take place on Mondays to Fridays during the hours of 07:00 – 09:30 and 15:00 – 17:00, to ensure that HGV traffic is limited to protect local school children in the proximity of the development site. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 29 No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 08:00 hours or after 18:00 hours on Monday to Saturday or before 09:00 hours or after 16:00 hours on Sundays. **REASON:** To ensure that adjoining residents do not experience unacceptable levels of noise, in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.
- 30 Within the retail centre of the development hereby permitted (use classes E and Sui Generis 'Hot Food Takeaway') no customers shall be permitted to be on the premises other than between 07:00 and 23:00 hours on any day. **REASON:** To ensure that adjoining residents do not experience unacceptable levels of noise in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.
- 31 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured 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 occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 32 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.
