

Planning Committee: 03 February 2021

Item Number: 6

Application No: [W 20 / 1364](#)

Town/Parish Council: Warwick

Case Officer: Helena Obremski

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Registration Date: 27/08/20

Expiry Date: 26/11/20

Homebase Ltd, 46-48 Emscote Road, Warwick, CV34 4QP

Demolition of existing building and erection of a Class E discount foodstore, with car parking, access, landscaping, substation and associated engineering works.

FOR Lidl Great Britain Ltd

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a suitable legal agreement to secure the car parking management plan.

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

Should a satisfactory legal agreement not have been completed by 3rd March 2021, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the demolition of the existing building and erection of a Class E retail foodstore, with associated car parking, access, landscaping, substation and engineering works. The proposed foodstore is to be occupied by Lidl, a discount food retailer.

The proposed building would have a smaller footprint than the existing building and be far smaller in terms of overall scale and mass. The building would be single storey, with a monopitch roof design, with a large glazed frontage facing Emscote Road. The remaining elevations would benefit from a mix of silver and white aluminium cladding. Access to the site remains the same as the existing and 97

parking spaces are proposed, with 2 spaces for electric vehicles (with charge points), 7 disabled spaces and 8 parent and child spaces.

This is a resubmission of a previously refused scheme for a similar development. Although the overall proposed development itself has not been amended, the applicant has submitted additional supporting information with this application, in the form of modelling data regarding the highway network impacts and parking provision for consideration by the Highways Authority.

THE SITE AND ITS LOCATION

The application relates to an existing retail unit (Homebase), positioned to the south of Emscote Road and is accessed from Pickard Way. Residential properties surround the site to the east, south and west, with a vehicle service and repair shop positioned on the opposite side of Emscote Road.

The site is located outside of the town centre and is in Flood Zone 1.

PLANNING HISTORY

W/19/0827 - planning permission refused for detailed planning application for demolition of existing building and erection of a Class A1 retail foodstore with associated car parking, access, landscaping, substation and engineering works.

W/18/0170 - application withdrawn for variation of Condition 1 of planning permission W/98/1450 to allow for the sale of food and drink, toiletries, toys and games and non-fashion clothing and footwear (limited only to: underwear and nightwear; slippers, baby clothing, school wear; and seasonal or safety items: boots, sandals, hats, gloves, scarves, partywear/costumes) across 780sqm of the floorspace of the building.

W/98/1450 - application granted for variation of Condition 4 (Use Class) of W/84/0187 to allow the sale of pets, pet food and other pet related products.

W/97/1253 - application granted for variation of Condition 4 of W/84/0187 (restriction on goods to be sold).

W/95/1343 - application granted for alterations to elevations; construction of an entrance ramp; alterations to car parking layout and alteration to refuse area and amend condition 4 of pp. W/84/0187 (sales restricted to DIY goods, etc.) for sublet area.

W/88/1641 - application granted for alterations to elevation to provide new entrance.

W/84/0187 - application granted for alterations and extensions to form retail store and garden store. Erect 3 storey block of 30 flats for the elderly and new link road.

RELEVANT POLICIES

- National Planning Policy Framework

- Warwick District Local Plan 2011-2029
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- NE5 - Protection of Natural Resources
- TC1 - Protecting and Enhancing the Town Centres
- TC2 - Directing Retail Development
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- CC2 - Planning for Renewable Energy and Low Carbon Generation
- CC3 - Buildings Standards Requirements
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Objection, supports comments made by Highways who formerly objected to the proposal.

WCC Highways: No objection, following negotiation between the agent and WCC Highways, subject to inclusion of specific conditions and notes.

WCC Ecology: No objection.

WCC LLFA: No objection, subject to conditions.

Environmental Health: No objection, subject to conditions.

Public Rights of Way: No objection.

WCC Landscape: Objection, the existing trees provide a degree of visual amenity and reduce sense of scale of car park, so should be retained. All other comments have been addressed.

Public Responses: 19 Objections:

- There is no need for the proposed development as there is a Lidl within walking distance to the site and other supermarkets within the local area. People are shopping more online, so the store will not be required in the future. A DIY store is needed more.
- There are no benefits derived from the development.
- Additional traffic will cause congestion in an already busy area.

- Local residents will not be able to access parking spaces as a result of traffic congestion and under provision of parking on site.
- Noise disturbance from construction works, HGV deliveries and plant equipment, and from the proposed development and car park.
- The proposed development will cause additional pollution to the area and we should be aiming to decrease our carbon footprint.
- Loss of economic amenity.
- People will not visit the store on foot and this will result in people taking shopping home in shopping trolleys, which may be abandoned, increased littering.
- Property prices will devalued.
- One of the provisions of Homebase originally being given permission to build was that they must provide a dual means of access for the estate - this has never been implemented and is a major concern for emergency vehicles having to attend any incident in the area.
- Health impacts of the substation added very close to houses on Avon Street - the EMFs emitted can raise the risks of developing health problems.
- Request to locate plant equipment and substation at front of the store, away from nearby residents.
- Suggestions to limit opening hours after peak traffic period, alterations to road and site layout to provide improved highway safety and traffic calming measures.
- Loss of trees which provide habitats for wildlife which provides amenity to local residents and screening from existing development and reduce air pollution.
- Loss of landscaping will result in parked cars being positioned closer to the neighbouring properties and resulting impacts from noise. Requests that separating wall is made higher to mitigate impacts.
- If there was an accident, incident, or fire, towards the end of Pickard Street causing the street to become blocked, then these bollards could be collapsed or removed. This would then allow access for emergency vehicles and provide the only entrance and exit for the whole of the estate. This issue needs addressing as otherwise there would be a state of gridlock.
- One of the conditions of the original permission was that access for emergency vehicles was provided at the southern end of the site and this was done by means of removable metal posts. The current application describes that as "disused" and asks for simple pedestrian access. It would be more appropriate to have the loading bay and plant facility at the northern end of the site, reducing traffic congestion and impact on neighbouring properties.

18 Support:

- The area is only serviced by Tesco and residents are restricted by choice so there is need for the development, and will be cheaper than surrounding supermarkets.
- Due to climate change, where people shop, and the convenience of that shopping, will become more important giving greater need for a second cost effective weekly-shop food store in the area for the residents.
- The development will reduce traffic congestion on the south side of the town.
- Road infrastructure and traffic management is already in place.

- The proposed development is smaller and lower with additional landscaping, and will improve the entrance to Warwick as the existing building is an eyesore, improving the appearance of the area.
- The landscaping and development would enhance the area.
- There are a large number of local residents who do not have access to a car.
- Lidl have a good reputation.
- Homeless people have been sleeping in the doorway which has a negative visual impact owing to items left behind.
- Reopening of the site will provide job opportunities.
- Adequate parking is provided.

2 Neutral:

- The current site is an eyesore and the new superstore would be well received.
- The landscape proposal appears encouraging.
- It should be a key priority to reduce air pollution for nearby residents.
- The development will have a devastating impact on traffic congestion and there is a lack of cycle storage and EV charging points.
- Further energy efficiency measures should be incorporated.
- Lidl should be responsible for increased bins in immediate area.
- Lidl should take responsibility for the pathway behind the site, the existing path has been neglected and can be seen as intimidating and unwelcoming.
- There are currently issues with littering on the site and potential for the travelling community to use the site which should be addressed urgently.
- The site is used as a footpath which presents security risk to nearby residential properties.

ASSESSMENT

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

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

Principle of the Development

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

The site is 'out of centre' and therefore in order to comply with the requirements of Local Plan Policy TC2 (Directing Retail Development) the application has to be accompanied by a satisfactory Sequential Assessment and a Retail Impact

Assessment. These are necessary in order to satisfy the Council that the proposal has assessed / appropriately discounted any sequentially preferential alternatives and that the proposal will not have any significant adverse impact on planned investment / town and local centre vitality and viability.

Having reviewed the applicant's submission, Officers are satisfied that the applicant has satisfactorily conducted a sequential analysis. To summarise, the absence of suitable and available sequentially preferential sites will have not changed since the appeal decision at The Leamington Retail Park (M and S).

The Council commissioned a Retail Study in 2018 (Warwick District Council Retail and Leisure Study 2018, Carter Jonas) which identifies limited retail (convenience capacity) in the short to medium term. It could be considered that the proposal would make a qualitative as well as a quantitative addition to convenience food offer in the District.

The application has to demonstrate that it will not have a significant detrimental impact on the vitality and viability of nearby town centres and Local Centres or be an impediment to planned town centre investment opportunities.

The retail model for Lidl is that of a 'deep discounter'- they sell a more modest range of convenience goods products / lines than the typical larger supermarkets. Notably they do not sell tobacco, newspapers, or individual confectionary items and stocks limited pre-packed fish and meat and individual fruit and vegetable products. This places Lidl in a different market from most independent retailers. The same issues, coupled with the lack of a post office, pharmacy, delicatessen, financial products or other in house facilities mean that the overlap with conventional supermarkets is limited.

It is noted that Lidl stores offer a limited range of non-food items, however these items tend to be 'one-off' specials and the range of goods on offer changes frequently.

Lidl's primary trade is in bulk, not top – up shopping. As a consequence of this, and by virtue of its restricted product range it does not directly compete with town / local centre convenience stores or independent / multiple butchers, bakers and greengrocers. Therefore, Officers are satisfied with the retail impact assessment that has been submitted with the application. It sets out the Lidl retail model results in trade diversion being predominantly focussed on other supermarket concerns (most of which are out of centre) and that none of these impacts would cause businesses to close.

For reasons set out below, it is considered necessary to limit any approval to a personal permission for Lidl and to a foodstore. This would also satisfy any concerns regarding the impact on the viability and vitality of the town centre which would be presented in granting permission for an unrestricted retail unit as outlined above. The proposal is therefore considered to comply with the requirements of policy TC2.

Design

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

Members of the public who have supported the proposal consider that the development is smaller and lower with additional landscaping, and will improve the entrance to Warwick as the existing building is an eyesore, improving the appearance of the area.

The existing building serving the site is an incongruous, imposing feature within the street scene, being a substantial structure with little design merit, or relationship with its surroundings. The area around the site has a mixture of much smaller scale development, consisting of two storey terrace dwellings of brick and render, with tiled roofs. Opposite to the site is a vehicle repair centre, which is single storey and also of little architectural quality. However, the repair centre is of an appropriate design for its purpose and being single storey, does not have a significant impact on the street scene.

The design of the proposed building appears as a modern single storey structure, with a mono-pitched roof, large glazed elements and metal cladding, which is similar to the design of other existing Lidl's. Whilst the design would not necessarily directly relate to other development within the street scene, the existing building is already a stark contrast to the established character of the area, which is also relatively varied along Emscote Road and behind to Pickard Street. The modern, simple design would sit comfortably within the mixed street scene and would not appear out of keeping. The design style which Lidl adopts is recognisable and appropriate for its purpose. Although taller than a traditional single storey structure, owing to the angled design, it would sit more comfortably opposite the single storey vehicle repair shop facing to the site.

The proposed development will also move the building on the site slightly further back than the current structure and will provide a modern replacement which is of a substantially smaller scale than the existing development. The footprint and

overall height of the building would be far smaller than the existing building, thus reducing the impression of the built form within the street scene. By setting the proposed building further back and also introducing more soft landscaping at the front of the site, this softens the existing harsh solid frontage and provides an improvement to the street scene.

There has been concern raised regarding the loss of four trees which currently occupy the central portion of the car parking area. It must be highlighted that these are not protected by a TPO or located within a Conservation Area so could be removed at any time lawfully by the applicant. WCC Landscape has requested that these be retained. However, the agent informed Officers that there is a gas easement across the car park and this is why there is no planting proposed in the centre of the site. Lidl have taken legal advice in respect of this matter and have been informed that it will be inappropriate to reintroduce trees here as they will likely have to be removed again in the near future. The applicant has however proposed replacement tree planting at the side and rear of the site and increased soft landscaping across the site as mentioned above, accommodating all other requests from WCC Landscape. Whilst the loss of the trees in the centre of the site is regrettable, owing to the constraints across the site and pressure this is likely to have on their removal regardless of the outcome of this application, the fact that the trees have no statutory protection and could be removed at any time, and overall improvements that the proposal would bring to the site in visual terms, the loss of the trees is considered to be adequately mitigated by the redevelopment of the site as a whole.

Therefore, it is considered that the proposed development would represent an enhancement to the street scene, which harmonises well with the character of the area. It should be noted that the design of the proposed development and loss of trees was accepted under the previous application. The development is therefore considered to be in accordance with Local Plan policy BE1.

Impact on Neighbouring Residential Amenity

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

Members of the public raise concerns regarding noise nuisances from the construction works, HGV deliveries and refrigeration / plant equipment, and

increased vehicular movements in the parking area. Members of the public also raise concerns regarding EMFs which can raise the risks of developing health problems from the proposed substation. There is a request to locate plant, equipment and substation at the front of the store, away from nearby residents. Members of the public consider that the loss of landscaping will result in parked cars being positioned closer to the neighbouring properties and therefore creating greater noise impacts. They request that the separating wall is made higher to mitigate impacts.

As detailed above, the proposed building would be significantly smaller than the existing property and therefore visually, the development is likely to improve outlook and light to neighbouring properties. There are no proposed windows within the building which would lead to a loss of privacy to neighbouring properties.

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

The positioning of cars closer to residential properties and the request to increase the height of the boundary wall are not considered to be reasonable; the car park is already in use and the smaller distance which cars would be positioned closer to neighbouring properties is not considered to have a material impact on amenity.

It should be noted that the previous application was not refused on the grounds of impact on neighbouring amenity. The proposal is therefore considered to be in accordance with Local Plan policy BE3.

Highway Safety and Traffic Generation

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

Members of the public have raised concerns regarding traffic congestion and highway safety. Members of the public also express concern regarding the access

for emergency vehicles, and that there would be a detrimental impact on highway and pedestrian safety. It is requested that opening hours are limited to after the peak traffic period, and that there are alterations to the road and site layout to provide improved highway safety and traffic calming measures. It is also suggested that it would be more appropriate to have the loading bay and plant facility at the northern end of the site, reducing traffic congestion and impact on neighbouring properties. However, supporters of the proposal state that the development is likely to ease traffic congestion, and that sufficient road infrastructure and traffic management is already in place.

The access to the site would be slightly amended at the entrance, to accommodate parking spaces. WCC Highways have raised no concerns regarding the proposed access arrangements, or in respect to highway or pedestrian safety.

WCC Highways objected to the previous application, which was refused on the grounds that the development would result in the generation of significant traffic movements, leading to significant delays and further congestion along a route which already experiences a high level of congestion. This was considered to have a severe impact on the highways network, which was contrary to the NPPF and Local Plan.

Paramics modelling details were agreed by the applicant and WCC Highways, and then undertaken.

As the modelling information is based specifically on the Lidl traffic modelling data generated by the County Highways Authority, another retailer in the same use could potentially have a more severe impact on the highways network, if left uncontrolled. For this reason, Highways have recommended that if planning permission is granted, a condition is used to restrict the development to a personal permission for Lidl only. Given that this is a sensitive site where the wider traffic network could be impacted to a severe extent if uncontrolled, it is considered reasonable and necessary for the purposes of the development to attach a condition limiting an approval to a personal permission. A condition is also recommended for the installation of MOVA method of control prior to occupation which has been added.

Following a detailed review of all of this additional information, WCC Highways have now raised no objection to the scheme. For the reasons set out above it is considered that the development would have an acceptable impact on the highways network, subject to conditions to ensure that adequate mitigation measures are put in place and a condition limiting an approval to Lidl only. The proposal is therefore considered to be in accordance with Local Plan policies TR1 and TR2.

Parking

Members of the public raise concern regarding the impact of the development on nearby residents' parking, which already experiences severe parking stress. They suggest that there is a lack of cycle storage and EV charging points. Objectors to

the development suggest there is inadequate parking, whilst supporters suggest that there are sufficient levels provided.

There are currently 104 car parking spaces provided, which would be reduced to 97. The existing parking requirement in accordance with today's adopted standards would be 259 spaces and the proposal requires 162 spaces. The net reduction in the number of required spaces is 97 spaces, however, this is still an under provision of 65 spaces for the proposed development, in accordance with the standards.

The Council's Vehicle Parking Standards guidance does allow for flexibility in the application of the standards to specific development proposals and paras 4.7 to 4.10 of the document outline the occasions when strict adherence may not be required. The applicant proposes that they meet criterion 5, where "the development will generate significantly less parking than prescribed in the standard". They suggest that this is because a discount retailer with fewer lines than an open Class E retailer tends to produce significantly shorter dwell times within the store. The applicant informs that typically, the average length of stay of a Lidl customer is between 20 and 25 minutes. The applicant states that it is length of stay that has a particularly burdensome effect on the demand for parking.

Previously, the information provided by the applicant failed to take into consideration the modelling data on discount foodstores collected by the Highways Authority. Concern was raised by the Highways Authority using the Aldi and Lidl parking data that the car park would be at capacity during peak times, leading to queuing and parking within the nearby highway. However, using the Lidl only trip rates provided to the applicants by the Highway Authority, it has been identified in the submitted Technical Notes that sufficient parking is available for the proposal. The information shows that at no point would the car park reach full capacity, with at least 10 car parking spaces available at peak times, with much more generally available. Given that it is proposed that a condition limiting the development to a personal permission is both reasonable and necessary, assessing just the data relating to Lidl only is considered to be a suitable means of assessing the required level of parking provision under these circumstances.

As a precautionary measure, the Highways Authority suggest that in order to identify any issues which may arise in future years, they require a car-parking management plan, to include pre and post opening on-street parking surveys to monitor this matter. The management plan will be secured through a legal agreement, which requires that if it is found that there is erroneous parking within nearby residential streets as a result of the proposed development, the developer will be required to pay a financial contribution towards a Traffic Regulation Order, which would restrict on street parking to residents only. The Highways Authority also recommend a condition for the laying out of the car parking areas in accordance with the approved plans which has been added.

Therefore, subject to the condition which limits an approval to a personal permission and a legal agreement to secure a car parking management plan, the proposal is considered to provide adequate parking arrangements. The development is considered to be in accordance with Local Plan policy TR3 and the Vehicle Parking Standards.

Ecological Impact

Members of the public have objected on the grounds of a loss of trees which provide habitat for wildlife.

WCC Ecology have assessed the application and confirm that their comments remain largely the same as the previous application. The development will result in a minor net gain to biodiversity, which is in accordance with the requirements of the NPPF and Local Plan policy NE2. WCC Ecology previously recommended that a condition is attached for the provision of a scheme detailing biodiversity enhancements (such as a green wall). However, WCC Ecology have now confirmed that there would be a small net biodiversity gain as a result of the scheme, which means that the development is policy compliant as proposed, therefore it would be onerous to impose a condition of this nature on the application.

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

Air Quality

Members of the public raise concern regarding increased pollution from additional traffic, loss of trees and building works in an area where there are already high levels of pollution.

The applicant has provided an Air Quality Assessment and follow up air quality note, which has recalculated the air quality damage costs using the updated traffic data for the current planning application. The damage costs have slightly increased using this updated traffic data, however, the costs of the proposed Type 3 mitigation measures (1no rapid electric vehicle charging point and associated works) still exceed the value of the revised damage costs. The applicant has provided a site plan drawing showing where the proposed electric vehicle charging infrastructure will be installed and has also provided details of the proposed charging infrastructure. In addition to the provision of a rapid electric vehicle charging point, the applicant also proposes to install 4no fast charging points (2no twin charging units) to satisfy Type 1 mitigation measures under the Warwick District Council Air Quality SPD (2019). Proposals for Type 2 mitigation measures have yet not been provided, however, this can be secured by a planning condition. The proposed conditions by Environmental Health to secure the mitigation measures have been added.

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

Other Matters

Contaminated Land

The applicant has undertaken a contamination assessment and ground investigation of the site which has concluded that further investigation is required to adequately characterise the site. Further investigation would include ground gas and VOC monitoring due to the thickness of made ground encountered and the presence of VOCs in the groundwater. As a result, Environmental Protection recommend a condition is imposed to ensure that a site investigation scheme and method statement are provided prior to commencement of works, which has been added.

Drainage and Water Efficiency

Members of the public consider that there would be an increased risk of flooding. However, the site is located in Flood Zone 1 with a low risk of flooding. It should also be noted that the proposed building would be smaller than the current property and that additional soft landscaping is proposed in comparison to the existing arrangement.

The Local Lead Flood Authority (LLFA) have no objection to the proposal, subject to a condition requiring that the development is carried out in accordance with the Flood Risk Assessment and outline drainage strategy provided in support of the application. This is considered reasonable and necessary for the purposes of the development, and has been added. The proposal is therefore considered to be in accordance with Local Plan policy FW2.

Waste

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

BREEAM Requirements

As the proposal results in the construction of over 1,000sqm of non-residential floorspace, a pre-assessment stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve a minimum BREEAM standard 'very good' is required. This was provided by the applicant which confirms that the development could meet 'very good'

BREEAM standard required. A condition will be imposed to cover the requirement for additional information relating to the design stage and to ensure that the development is carried out in accordance with the details submitted.

Miscellaneous

Members of the public consider that there is economic disadvantage for the remaining local confectionery/tobacco/newsagent shops as the area is already served by Tesco and Sainsburys plus more people are now shopping online, so the proposal is not needed. They also object on the basis of the loss of a home / DIY store and state that there is a preference for an alternative retailer such as B&M. However, this preference does not represent a material planning consideration so cannot be assessed as part of this application.

Conversely, supporters of the proposal state that the area is only serviced by Tesco and residents are restricted by choice so there is need for the development, and will be cheaper than surrounding supermarkets. Furthermore, due to climate change, where people shop, and the convenience of that shopping, will become more important giving greater need for a second cost effective weekly-shop food store in the area for the residents. Members of the public also state that there are a large number of local residents who do not have access to a car. These comments are noted, although do not form a material consideration.

Supporters of the proposal note that reopening of the site will provide job opportunities which is noted.

Members of the public consider that property prices will be devalued as a result of the development. However, this is not a material planning consideration.

WCC Public Rights have not objected to the proposal, however, they note that an application has been submitted to Warwickshire County Council for a Definitive Map Modification Order (DMMO) to add a public footpath to the Definitive Map that would abut onto part of the eastern boundary of the application site. The Public Rights of Way Officer cannot confirm whether the application is likely to be successful. However, they state that the proposals do not appear to obstruct the route that is claimed to be an unrecorded public footpath, therefore no concerns are raised.

Members of the public state that there are no material benefits to the scheme, however, for the reasons outlined above Officers disagree with this view.

Members of the public have stated that homeless people have been sleeping in the doorway which has a negative visual impact owing to items left behind. Furthermore, they state that there are currently issues with littering on the site and potential for the travelling community to use the site which should be addressed urgently. They also state that site is used as a footpath which presents a security risk to nearby residential properties.

Conclusion

The proposed development would result in enhancements to the street scene and make use of a vacant site. Evidence has submitted to demonstrate compliance with retail policies. The scheme is considered to adequately mitigate the impact on neighbouring amenity and highway infrastructure, subject to a legal agreement as set above and the conditions set out within the report. Furthermore, adequate parking arrangements are considered to have been provided and the development would result in a small net biodiversity gain. For these reasons, it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings PL-03 Rev A (site plan), PL-04 Rev A (floor plan), PL-05 Rev A (roof plan), PL-06 Rev C (elevations) and SK-07 Rev C (site plan including finished floor levels) submitted on 27th August 2020 and drawing 8934-L-01 Rev F (soft landscaping) submitted on 9th October 2020, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development shall take place until: -
 1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken relating to human health
 - A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
 - An appropriate gas risk assessment to be undertaken
 - Refinement of the conceptual model
 - The development of a method statement detailing the remediation requirements

a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

- 4 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process.

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 development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SuDS features including the underground cellular storage.

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, NE2 and BE3 of Warwick District Local Plan 2011 - 2029.

- 6 No development shall be carried out above slab level unless and until a hard landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the details contained within the approved soft landscaping plan 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.

- 7 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
- 8 Prior to the occupation of the development hereby permitted, one twin 50kW DC rapid electric vehicle recharging point and two twin 7kW fast electric vehicle recharging points shall be installed in accordance with the approved details along with cabling for an additional four 7kW fast electric vehicle recharging points. Thereafter the electric vehicle recharging points 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.
- 9 No development shall take place above slab level until an appropriate scheme comprising of Type 2 mitigation measures in accordance with Warwick District Council's Air Quality Supplementary Planning Document (January 2019) has been submitted to and approved by the local planning authority. The approved scheme shall then be implemented in full and shall not be altered in any way without expressed written consent from the local planning authority. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 10 No development shall be carried out above slab level unless and until a Design Stage Assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. The development shall not be occupied unless and until a Completion Stage Assessment by an accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and

water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

11 The development shall not be occupied until MOVA (Microprocessor Optimised Vehicle Actuation) method of control has been installed at the Emscote Road/Pickard Street junction in accordance with the details approved under this planning permission. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

12 The development hereby permitted shall not be occupied unless and until the cycle and car parking areas, and loading/unloading areas 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 / residential amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

13 Prior to installation of any lighting, a detailed lighting strategy for the development shall be submitted to the Local Planning Authority for approval and the development shall be carried out in strict accordance with these approved details. The detailed lighting strategy shall include:

- a layout plan detailing the position and type of the proposed lighting for both the construction and operational phase lighting. This should incorporate a zone of influence contour plan showing illuminance levels in relation to residential receptors prior to work starting. The lighting assessment should provide maximum vertical illuminance levels at nearby residential receptors.
- mounting heights and beam orientation, description and type of luminaries / lamp and angle of lighting and predicted light spill/ trespass beyond the site.
- steps taken to minimize light trespass, glare and sky glow.
- proposed time of operation of the lighting in the scheme including details of any control such as movement detectors and timers and a CMS (Central Management System).
- purpose of the lighting – e.g. general amenity , security, advertising.

Reason: To ensure that the development would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

14 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5

minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 15 No deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2130 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **Reason:** To ensure that the development would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

- 16 The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) and outline drainage strategy (by Baynham Meikle, ref: W_20_1364-Revised_FRA, dated July 2019) and in particular the following mitigation measures detailed within the document:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to 35.95 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA of 120m³ in accordance with '*Science Report SC030219 Rainfall Management for Developments*'.
- Installation of a Class I full retention separator to remove fuels/oils from surface water runoff upstream of the attenuation.

Reason: In the interests of preventing increased flood risk, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 17 The development hereby permitted shall be carried out only by Lidl Ltd and must be occupied only by Lidl Ltd. **Reason:** Planning permission is granted only on the basis of Lidl trip rates and the associated impact on the Highway Network. Use of the development by an alternative company would require a further assessment to be made by the LPA in conjunction with the Highways Authority.

- 18 The development hereby permitted shall be used as a foodstore and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **Reason:** Since the retail planning assessment has been based on the fact that

the proposals are for a foodstore and not any other type of retail use, in accordance with Policy TC2 of the Warwick District Local Plan 2011-2029.
