

Planning Committee: 28 March 2023

Item Number: 5

Application No: W 22 / 0830

Town/Parish Council: Warwick
Case Officer: Michael Rowson
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Registration Date: 17/05/22
Expiry Date: 12/07/22

90 Nelson Lane, Warwick, CV34 5JB

Demolition of existing buildings, erection of 8no. dwellings and associated external works FOR Sunkari Ltd SSAS and First One Ltd

RECOMMENDATION

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

DETAILS OF THE DEVELOPMENT

The proposal seeks full planning permission for the redevelopment of the site for residential purposes, including the demolition of all existing buildings and the erection of eight x three-bedroom dwellings which would be 2.5 storeys in height.

The site would be accessed from Nelson Lane, with parking provided in a tandem layout in front of the dwellings. The frontage would include bicycle parking and an area for bin storage on bin collection days only.

THE SITE AND ITS LOCATION

The application site comprises existing employment land on the north side of Nelson Road. This part of Nelson Lane contains a mixture of commercial and residential properties, with commercial uses on the north side and predominantly residential uses on the south side. However, recent permissions have increased the number of residential uses on the north side of the road, with all properties facing onto Nelson Lane up to the Coventry Road now in residential use.

The site is bound by Nelson Lane to the south and by the Grand Union Canal to the north. The site is located immediately adjacent to the Canal Conservation Area, with a small strip of land at the rear of the site falling within it. The land to the north, along the edge of the canal, is utilised by the canal boat rental and maintenance company known as 'Kate's Boats'. That strip of land includes a polytunnel used for the maintenance of canal boats. Further commercial premises adjoin the site to the east, with the neighbouring premises in use for the sale of parts for agricultural machinery. On the opposite side of Nelson Lane are the rear boundaries of dwellings facing onto Cliffe Way.

The site contains a series of predominantly single storey buildings of industrial appearance in a poor state of repair. An area of hardstanding adjacent to the highway has been utilised for informal car parking. There is a narrow strip of grass at the rear of the site adjacent to the canal.

RELEVANT PLANNING HISTORY

There is no relevant planning history for the subject site. However, the adjacent site to the west received planning permission at appeal under WDC reference W/19/1858 for a scheme proposing 29 affordable dwellings.

RELEVANT POLICIES

- National Planning Policy Framework
- EC3 - Protecting Employment Land and Buildings
- H0 - Housing
- H1 - Directing New Housing
- H4 - Securing a Mix of Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- CC1 - Planning for Climate Change Adaptation
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object on grounds of

- Increased traffic in a high traffic area.
- Unacceptable appearance – The bulk and mass is not acceptable.
- Loss of light to moored boats and their solar panels.

Conservation Officer: No objection following amendments.

WCC Ecology: No objection, subject to four conditions and two notes

Environmental Health Officer: No objection, subject to three conditions.

WCC Local Lead Flood Authority: No objection, subject to two conditions.

Waste Management: If immediate access from the footpath to the bin collection point is available then this would be acceptable.

Canal & River Trust: No objection, however concerns raised regarding the potential conflict with the boatyard and hire base off Nelson Lane (Kate's Boats); the protection of the structural stability of the canal; protection of the conservation

and biodiversity value of the canal corridor; and protection of the waterway environment during construction.

Conditions requested include a condition requiring submission of a Method Statement to ensure land stability; a condition regarding restriction of external lighting; a condition requiring precautionary measures detailed in the Environmental Impact Assessment to be carried out; a condition requiring submission of a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP); a condition securing ecological mitigation measures; and a condition requiring soft landscaping to be carried out as detailed in the submitted plan.

They also requested that any buddleia discovered on the site should be removed and an informative regarding consents.

WCC Landscape: Minimal landscaping is proposed, creating a rather stark appearance. They recommend that a landscape buffer be included to the back edge of the pavement; relocation of the tree in the north eastern part of the site away from the canopy spread of the existing tree; and an increased number of new trees and shrubs on the canal and road side.

WCC Highways Authority: No objection, subject to three conditions.

Public Response: Three objections and one neutral comment received raising the following issues:

- Errors in the submitted documents regarding the closest secondary mainstream school.
- The local school is oversubscribed.
- The amount of traffic along Nelson Lane is above average.
- Dangerous junction at the junction with Coventry Road.
- Traffic congestion concerns during and after construction.
- Excessive height resulting in impacts in terms of overbearing and potential overlooking.
- There are other areas that can and should be developed where the impact wouldn't impact negatively on homeowners.

ASSESSMENT

Principle of development

Housing

Local Plan Policy H1 (Directing New Housing) states that housing will be permitted within the Urban Areas, as identified within the policy and on the Policies Map. The site is within the Leamington, Warwick and Whitnash Urban Area boundary and is therefore acceptable in this regard.

Loss of employment

The proposal would result in the loss of employment land. Local Plan Policy EC3 seeks to protect employment land and buildings. It states that the redevelopment

or change of use of existing and committed employment land for other uses will not be permitted unless (at point C) it can be demonstrated that the site is not suitable for employment uses due to unacceptable and unavoidable impacts upon nearby residential uses.

Paragraph 3.36 of the supporting text states that there may be instances where employment uses could have a negative impact on the amenity of nearby residential uses, and thus where redevelopment for other uses may be preferable.

The existing buildings on the site have historically been used as a fabrication premises (Use Class B2). The general industrial use is uncontrolled by planning conditions on the original permission.

The neighbouring site to the west is currently under development for residential use, with residential dwellings in close proximity to the shared boundary. To the south, are further residential dwellings which face onto Cliffe Way, whilst to the north, on the other side of the canal, the area is allocated for housing development.

The applicant has put forward the case that the existing industrial premises are not compatible with surrounding development and its unrestricted use would result in unacceptable noise impacts on the residential development to the west. A Noise Report has been submitted which considers the noise impacts should the subject site be reoccupied in the future. The report indicates that the recent introduction of new residential receptors at the neighbouring site, coupled with the unrestricted industrial use and the age and construction of the existing buildings on the site, would result in an increased likelihood of adverse noise impacts should the unit be reoccupied for B2 purposes.

The Council's Environmental Health Officer has been consulted and concurs with the findings of that report. As a result, it is considered that the existing use of the site is not compatible with the surrounding development and that its resumed/continued operation would result in harm to the amenity of neighbouring residential dwellings.

As a result, it is considered that the proposal meets the requirements of criteria C of Policy EC3 of the Local Plan and is therefore in accordance with it.

The principle of development is therefore considered acceptable.

Impact on the Character of the Area and the Conservation Area

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. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

A small area of the site is within the Canal Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

The explanatory text for Policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Warwick District Local Plan Policy HE2 (Protection of Conservation Areas) states that development will be expected to respect the setting of Conservation Areas and important views both in and out of them.

The existing site consists of industrial buildings, with little architectural merit, covering almost all of the site. However, the property is of its time and sits comfortably within the industrial context of the canal setting, thus having a neutral impact on the setting of the Conservation Area.

The Conservation Officer has stated that this particular length of the Conservation Area, as explained in character length 3 in the Canal Conservation Area Appraisal, is predominantly characterised by a mixture of late twentieth-century buildings and industrial structures dating from between the late eighteenth to late nineteenth century, the earliest of which (the Bridge House) is Grade II Listed dating from 1781.

Industrial architecture is characterised by prominent built form with consistent, horizontally running frontages and well-proportioned symmetrical window and door apertures, with features including arches, chimneys and wide gables.

The areas to the south and west of the subject site are characterised by residential properties of varied design, with a mixed palette of materials. To the east are employment uses and to the north (across the canal) is an allocated housing site.

As discussed above, the adjacent site to the west is under development to provide residential dwellings. The subject proposal continues the design aesthetic of that neighbouring scheme, in particular the row of dwellings set back from the road, adjacent to the canal. Whilst a degree of stepping back takes place due to the constraints of the site, the building line proposed more or less continues that of the neighbouring scheme.

The dwellings would be two and a half storeys in height with a front dormer feature to provide accommodation in the roof space. Whilst it is recognised that the design results in a single ridge line and little visual interest to the front elevations, the breaking up of the terrace into two blocks of four dwellings alongside the stepping of the building line of each block would provide some relief to the front elevation. In terms of height, the proposed buildings would be taller than those adjacent to

the west, but that site also contains 2.5 storey buildings, so the 2.5 storey dwellings proposed here would not appear incongruous in the context. In addition, the proposed dwellings would not appear out of place in terms of scale when compared to the two-storey commercial building to the east.

The design of the dwellings incorporates several design features from those under construction at the neighbouring site, including the gabled features which break the eaves line and the curved headers above many of the windows. It is considered that this would ensure a complimentary appearance when viewed within the wider Nelson Lane street scene.

At the rear, the dwellings would face onto the Canal Conservation Area. The Conservation Officer was consulted as part of the assessment and recommended the removal of the proposed gable features on the rear elevations as they were not considered to be reflective of the prevailing industrial character of the area. Following this amendment, the Conservation Office raised no concerns to the scheme. Whilst it is recognised that the proposal would be residential in character, this is the same case as the properties adjacent to the west, and whilst taller than those adjacent buildings, it is considered the dwellings would have an acceptable symmetry and be set back from the canal to ensure that they would not be overbearing within the canal corridor.

The Conservation Officer found the proposed materials to be generally acceptable but recommended that a natural slate tile be used instead of the artificial slate proposed. A condition requiring submission of materials prior to commencement has been recommended to ensure a satisfactory appearance.

WCC Landscape consider that a landscape buffer should be introduced to the back edge of the pavement, with additional trees and shrubs on the canal and roadside of the development. A subsequently submitted Landscape Plan has increased the number of trees on the canal side which would soften the appearance of that edge of the site and included areas of soft landscaping at the front of the site. No landscape buffer has been included on the Nelson Lane frontage due to the area of parking required for the eight dwellings. However, Nelson Lane is generally characterised by hard landscaping, with built form sitting nearby or adjacent to the road frontage with limited soft landscaping. It is not considered that additional soft landscaping or tree planting adjacent to Nelson Lane would be characteristic or necessary in this particular location. The trees of highest importance which add value to the Conservation Area, which are positioned outside of the site, would not be harmed. The applicant has amended the preliminary landscaping scheme to accommodate the comments made by the Landscape Officer, increasing the soft landscaping where possible and it is considered that sufficient soft landscape has been provided for this particular location. To ensure that the hard and soft landscaped area have an acceptable appearance and include suitable, native planting, a landscaping plan has been recommended.

Whilst no details of the boundary treatments have been provided, a hard and soft landscaping condition, including boundary treatment details, has been recommended to ensure that they are of satisfactory appearance to complement Nelson Road, the canal side and neighbouring development.

It is therefore considered that the proposal responds well to the Canal Conservation Area and Nelson Lane frontages and that subject to conditions requiring submission of details of materials, landscaping and boundary

treatments, that the scheme would preserve the character and appearance of the surrounding area and Conservation Area.

The scheme is therefore considered, subject to the recommended conditions, to accord with the above referenced policies.

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 requirement for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45-degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

Impact on neighbouring amenity

The closest residential properties are those under construction at the neighbouring site to the west. Whilst that site is of a similar depth to the subject site, the design of that development provides two rows of dwellings which will be considered separately below.

The row of dwellings positioned adjacent to the canal would broadly align with the proposed dwellings and the proposal would therefore comply with the 45-degree guidance in the Residential Design Guide SPD. In addition, there would be no side facing windows unduly impacted within those neighbouring properties as none of them would be the principal outlook to a habitable room.

The row of dwellings under construction adjacent to Nelson Road would have dwellings at first floor level, with undercroft parking at ground level below. The proposed dwellings would be visible from the rear facing window serving an open plan living space and would dissect a 45-degree line taken from that window. However, the proposal would be in excess of 8.0m from that window and the Residential Design Guide SPD states that breaches of the 45-degree line which occur at a distance of 8m or more will generally be considered not to result in material harm to light and outlook. The impact on the neighbouring dwellings to the east is therefore considered acceptable.

The Town Council have raised concerns that the proposal would result in loss of light to moored boats and their solar panels. The canal boats which moor adjacent to the proposal would be moored temporarily and are therefore not considered to be permanent dwellings. However, the dwellings proposed would be set back from the canal by approximately 9.3m, which would prevent any unacceptable impacts on those who choose to temporarily moor in that location. Furthermore, we have received no objections in this regard from the Canal & River Trust.

An objection has been received from a member of the public raising concerns including potential overlooking of dwellings on Cliffe Way. The closest neighbour

on Cliffe Way would be over 60m from the proposal, far exceeding the separation guidance set out in the Council's Residential Design Guide SPD. Considering the separation distance involved, there would be no harm to living conditions within those neighbouring properties.

No other residential neighbours are considered adversely impacted by the proposal.

Living conditions of future residents

The Canal & River Trust raised a concern regarding a potential conflict with the boat yard and boat hire business off Nelson Lane in terms of noise. A polytunnel on the canal is used for maintenance of boats and is 32m from the boundary of the subject site at the closest point, adjacent to the dwellings under construction at the neighbouring site.

One of the reasons for original refusal of planning application ref: W/19/1858 at the neighbouring site related to the impact on the living conditions within the neighbouring gardens. However, in their assessment, the Planning Inspector found the impact on the future living conditions within those gardens to be acceptable.

It is noted that the buildings to the west, granted permission by the Planning Inspectorate, are closer to the boat building than those proposed here and that there have been no material changes in policy or site circumstances. In addition, the EHO has raised no objection. As a result, it is considered that the noise environment would be acceptable for future occupiers.

A commercial unit to the east of the site (T H White) benefits from planning permission for office use and the display of goods for sale. Whilst there is no condition restricting the opening hours of that unit, it is considered that the use would be compatible with the proposed residential use and would not unacceptably impact the living conditions of future residents.

The applicant has submitted an updated Noise Report for assessment by the EHO, who has raised no objection to the proposal, subject to conditions. Subject to the inclusion of those conditions, it is considered that the proposal would provide an acceptable noise environment for future residents.

The Residential Design Guide sets out minimum private amenity space standards for new dwellings, requiring 50sq.m per three-bedroom house. Seven of the eight dwellings proposed would provide insufficient amenity space when assessed against this guidance, with unit 2 providing only 32.9sq.m of amenity space. Again, the Inspector's decision regarding the site to the east is relevant here. In refusing that application, the Council considered that the gardens proposed, which were as small as 33.3sq.m for a three bedroom dwelling, were insufficient and lacked privacy. However, in his decision, the Inspector found that due to a number of site-specific factors, including amongst others, the open outlook that residents would enjoy across the canal and the proximity of the site to a large park, that the garden areas were acceptable. Furthermore, the Inspector found that the gardens would achieve a suitable level of privacy from those utilising the canal side footpath. On balance, taking the Inspector's opinion on a directly

neighbouring scheme into account, on balance it is considered that the amenity space provision is acceptable in this instance.

In terms of the internal layout of the dwellings, all rooms would have an acceptable level of outlook and light to ensure satisfactory living conditions. Overall, the proposal is considered to provide adequate living conditions for future occupiers and have no unacceptable impacts on the living conditions of neighbouring dwellings. The development is therefore considered to be in accordance with Local Plan Policy BE3 in this regard.

Car Parking and Highway Safety

Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes. Policy TR3 states that development will only be permitted which makes provision for adequate parking. The Council's Vehicle Parking Standards SPD states the number of allocated parking spaces for new residential development (shown below) with the requirement for an additional unallocated parking at a figure of 20% of total allocated parking space provision across the site, where a development includes ten or more dwellings.

Dwelling size	No. of allocated spaces
1 bed	1
2 bed	2
3 bed	2
4 + bed	3

In addition, cycle parking spaces should be provided as detailed below:

Dwelling size	Cycle parking spaces
1 bed	1
2 bed	2
3 bed	3
4 + bed	1 per bedroom

The proposal would provide two parking spaces per dwelling in a tandem layout and would therefore meet the above detailed car parking guidelines for allocated parking spaces. In addition, each dwelling would have an EV charging point for one car.

The proposal for eight, three-bedroom dwellings results in the requirement for 24 bicycle parking spaces across the site, which have all been included. The majority of bicycle parking would be communal, with 2 spaces provided at the rear of unit 8. A condition has been attached requiring submission of additional details to ensure that the bicycle store is safe, covered, and acceptable in appearance.

Warwick's Air Quality SPD sets out a range of locally specific measures to be used to minimise and/or offset the emissions from new development. The proposed development would be classified as a minor development in accordance with the AQ SPD therefore only Type 1 mitigation measures would be necessary. The applicant has proposed the installation of one electric vehicle charging point per dwelling to comply with the AQ SPD requirements. This provision will be secured by a suitably worded condition.

Members of the public have raised concerns regarding the amount of traffic on Nelson Lane and a dangerous junction where it meets Coventry Lane.

In terms of access and highway safety, vehicular access to the site will be provided from Nelson Road. The proposal is supported by a Transport Statement which considers the impact of the development on the surrounding network which concludes that the additional traffic would not have a material impact on the safety or operation of the local road network. The Highways Authority have been consulted and they have agreed with the conclusions of that report.

Whilst it is noted that there is currently a degree of on-street parking in Nelson Lane, this is an existing situation, and it is not for the applicant to resolve. The proposed development provides sufficient off-street car parking to meet with the adopted parking standards and the spaces meet the minimum size requirements.

Subject to notes and three conditions recommended by the Highways Authority requiring the vehicle access and parking provision to be carried out prior to occupation and submission of a Construction Management Plan, it is considered that the proposal complies with the above detailed policies.

Ecological impact

A Preliminary Ecological Appraisal and a Biodiversity Impact Assessment have been submitted by the applicant. The County Ecologist has been consulted and is satisfied that the proposal complies with the relevant policies, subject to the inclusion of four conditions.

The development is therefore considered to be in accordance with Local Plan Policy NE2.

Impact on trees

There are no existing trees of value within the site. However, two trees on the canal side adjacent to the site overhang the northern boundary. Those trees are protected by virtue of being within the Canal Conservation Area and a condition requiring submission of a Tree Protection Plan for protection of the trees on the land to the north has been attached.

The Canal and River Trust were consulted following the submission of a landscape plan illustrating additional trees on the north edge of the site and raised no objection in this regard. A condition requiring submission of hard and soft landscaping has been attached, and the Canal and River Trust would be consulted to ensure that the landscaping was acceptable to them.

It is therefore considered that following the inclusion of a condition in relation to submission of a Tree Protection plan relating to neighbouring trees, that there would be no unacceptable impacts in this regard.

Drainage and flood risk

The application site is located within Flood Zone 1. The Local Lead Flood Authority have no objection to the proposed development, subject to conditions requiring a detailed surface water drainage scheme and associated management plan.

Following the inclusion of the recommended conditions, it is considered that the proposal is in accordance with Local Plan Policies FW1 and FW2.

Land Contamination

Environmental Health Officers advise that a condition should be attached for the provision of a contaminated land survey. This is considered to be reasonable and necessary and has been attached.

Water use and sustainability

A condition has been attached to ensure compliance with Local Plan Policy FW3 to limit water use by occupiers and a condition requiring submission of a sustainability statement has also been attached.

Waste and recycling

The collection area provided adjacent to Nelson Road would be capable of holding the bins for all the dwellings on bin collection days only and the waste and refuse team consider the access proposed to be acceptable.

Other matters

Members of the public have raised concerns that there is insufficient space within local schools. Given the scale of the proposal contributions towards education are not triggered and therefore the Education Authority have not been consulted.

CONCLUSION

The development is located within the urban area where housing is considered acceptable in principle, and it has been demonstrated that the site is not suitable for employment uses.

The proposal has been assessed and is considered acceptable having regard to the impact on the character and amenity of the local area and the Canal Conservation Area, the impact on the amenity of neighbours and future occupiers, highway safety, ecological matters, impact on trees and drainage and flooding. It is considered that site specific matters can be adequately controlled by condition.

For the above reasons, Officers recommend that the application be granted, subject to conditions.

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 and specification contained therein:
 - 4721-101, received on 17/05/2022;
 - 4721-102, received on 17/05/2022;
 - 4721-112, received on 17/05/2022;
 - 4721-113 Rev D, received on 13/03/2023;
 - 4721-114 Rev B, received on 13/03/2023;
 - 4721-115 Rev B, received on 13/03/2023;
 - 4721-120 Rev B, received on 13/03/2023;
 - 4721-200 Rev P0, received on 17/05/2022;
 - 210 Rev P1, received on 12/10/2022;
 - 1970_066_PL01, received on 24/08/2022;
 - Design and Access Statement by Robothams, received on 17/05/2023;
 - Flood Risk Assessment by Couch Consulting Engineers Revision P01, dated February 2022, received on 17/05/2022;
 - Document titled, 'Greenfield runoff rate' by HR Wallingford, dated 14th February 2022, received on 17/05/2022;
 - Noise Assessment by Noise Consultants Ltd, report number J20-13085A-20/F2, dated 6 May 2022, received on 17/05/2022;
 - Planning Statement, by Marrons Planning, received on 17/05/2022;
 - Preliminary Ecological Appraisal by Midland Ecology, dated 19th April 2022, received on 17/05/2022;
 - Document titled 8132 – Storm Water Calcs by Couch Consulting Engineers, dated 15/02/22, received on 12/10/2022;
 - Transport Statement, reference DN/KH/23567-01a, dated 9th February 2022, received on 17/05/2022;
 - Biodiversity Net Gain Assessment by Logika Consultants, document number 13085A-R01-01-F2, received on 24/08/2022;

-Document titled 'Soakaway Testing – 90 Nelson Lane, Warwick', dated 8th September, reference AG3368A-22-AP18, received on 12/10/2022; and

- Biodiversity Metric 3.1 Spreadsheet, Project name 13085A 90 Nelson's Road, dated 28/07/2022, received on 13/10/2022.

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 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.

4 No ground works shall commence until foundation details and a method statement has been submitted to and approved in writing by the Local Planning Authority. The foundations details and method statement shall as a minimum:

- Show the location, depth, distance from the waterway, and method of construction of any proposed foundations. Suitably scaled cross-sections should be provided, including the canal, with measurements shown.
- Show the depth of any proposed excavations and any other earthworks, their distance from the waterway, and the method of excavation. Suitably scanned cross-sections should be provided, including the canal, with measurements shown.
- Demonstrate the adoption and use of the best practicable means to control the effects on the stability of the waterway of any excavation, piling, storage of materials and waste, siting of construction plant (including vehicles and cranes), and vibrations resulting from any construction activities. A plan should be provided showing the proposed location of materials and waste storage, and the locations of any plant and construction vehicles.

No development shall be carried out other than in accordance with the approved foundation details and method statement.

Reason: In the interests of protecting the structural stability of the waterway during construction in accordance with the aims of the National Planning Policy Framework paragraphs 174 (e), 183 (a) and 184.

5 No development, including demolition and site preparation, shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall as a minimum:

-Demonstrate the adoption and use of the best practicable means to control the environmental risks to the canal arising from any construction activities, during and after development in accordance with NPPF, ODPM Circular 2005/06 and to comply with guidance within the Water Framework Directive. The CEMP should include:

- Proposed management of airborne debris during construction to prevent the transport of debris into the waterway; and
- Proposed management of surface water during construction to prevent surface water transporting sediment and debris into the waterway.

The Environment Agency can provide further details if required. There should be a buffer zone of at least 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development.

No development shall be carried out other than in accordance with the approved Construction Environment Management Plan.

Reason: In the interests of protecting the canal from pollution during construction, and protecting the nature conservation and biodiversity value of the canal corridor in accordance with the aims of the National Planning Policy Framework paragraph 174 (a), (b), (d) and (e), and in accordance with Warwick District Local Plan Policies NE1, NE2 and NE3.

6 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the District Planning Authority. 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 native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF.

7 No development shall commence unless and until a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA

biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:

1. Proposals for on-site mitigation and/or for any off-site offsetting;
2. A methodology for the identification of any receptor site(s) for offsetting measures;
3. The identification of any such receptor site(s);
4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
5. A management and monitoring plan (to include for the provision and long term maintenance of any offsetting measures in perpetuity).

The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved.

REASON: To ensure a net biodiversity gain in accordance with NPPF and ODPM Circular 06/2005.

- 8 No part of the development hereby permitted shall be commenced until a scheme for the provision of 2 bat boxes and 2 bird boxes to be erected on buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

REASON: To ensure a net biodiversity gain in accordance with NPPF and ODPM Circular 06/2005.

- 9 The development hereby permitted shall not commence until:
- a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. 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.
- a) 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.

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

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.

- 10 The development hereby permitted shall not commence until a detailed surface water drainage scheme for the site, based on the approved FRA (Revision P02 dated 08.11.2022), and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme to be submitted shall:

- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 0.50l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA of 48m³ and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments'.
- Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design. This includes permeable paving and a bioretention system (rain garden).
- Assess potential water quality hazards and provide appropriate mitigation where required. This can be done through using the Simple Index Approach (CIRIA C753 SuDS Manual).
- Calculations and plans provided should also be cross referenceable, with details such as dimensions and levels of drainage components consistent.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network. Whilst a developer enquiry has been provided, this is dated January 2022. As developer enquiries are valid for 6 months, updated correspondence from Severn Trent Water is required. A developer enquiry should progress to a S106 agreement at the discharge of conditions stage. Reason To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

REASON: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall not commence unless and until a hard and soft 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 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.

- 12 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway; a construction phasing plan; and a HGV routing plan.

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.

- 13 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until a Tree Protection Plan detailing methods of protecting the overhanging trees on any neighbouring sites has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be carried out as agreed prior to commencement of development or other operations (including demolition, site clearance or other preparatory works) and remain in place for the full duration of any such construction work. **Reason:** In order to protect and preserve existing trees which overhang the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 14 Notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include;

- a) How the development will reduce carbon emissions and utilise renewable energy;
- b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and materials and natural ventilation methods to mitigate against rising temperatures;

- c) Details of the building envelope (including U/R values and air tightness);
- d) How the proposed materials respond in terms of embodied carbon;
- e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwelling shall be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

REASON: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

15 **Reason:** To ensure the future maintenance of the sustainable drainage structures and to prevent the increased risk of flooding, improve and protect water quality and improve habitat and amenity in accordance with Policies FW1, FW2 and NE2 of the Warwick District Local Plan 2011-2029.

16 No development shall take place above slab level until details of all external light fittings and external light columns including location, height from ground level, luminance in candelas, horizontal spread, hours of operation have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted in proximity to trees, hedges and the proposed bat boxes and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

Any external lighting proposed should be designed in accordance with the principles set out on page 22 of the Preliminary Ecological Appraisal and should confirm to the protocols set out in Guidance Note 08/18 – Bats and Artificial Lighting in the UK (BCT and ILP, 2018)

REASON: To safeguard the population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029 and in the interests of protecting the nature conservation value of the canal, and in the interests of preserving the character and appearance of the canal. This is in accordance with the aims of the National Planning Policy

Framework paragraph 185 (c), and in accordance with Warwick District Local Plan Policies NE1, NE2 and NE3.

- 16 The development shall not be occupied until the vehicular access into the application site have been provided, as shown indicatively on Drawing Number 4271-113 Rev D and constructed to the standard specification of the Local Highway Authority. **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.
- 17 The development shall not be occupied until space has been provided within the site for the parking of vehicle types in accordance with Drawing Number 4271- 113 Rev D and construction details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON:** In the interests of highway safety, the free flow of traffic and local parking conditions, in accordance with Policy TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 17 Prior to the occupation of the dwellings hereby permitted, the noise mitigation measures shall be carried out as recommended and detailed within the report J20-13085A-20/F2 by Noise Consultants Limited dated 6th May 2022, received on 14/07/2022. The mitigation measures shall be retained thereafter and shall not be altered in any way unless agreed in writing by the local planning authority. **REASON:** To ensure satisfactory living conditions for future occupiers of the dwellings, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 18 The development hereby permitted, including all demolition and construction works, shall be completed in accordance with Warwick District Council's construction guidelines available on our website at:
https://www.warwickdc.gov.uk/download/downloads/id/5812/construction_site_working_-_guidance_for_contractors.pdf
Reason: In the interests of the amenities of the occupiers of nearby properties, in accordance with Policies BE3 of the Warwick District Local Plan 2011-2029.
- 20 Prior to the occupation of the dwellings hereby permitted, one 16amp (minimum) electric vehicle recharging point per dwelling 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 has 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 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 and the Air Quality and Planning Supplementary Planning Document.

21 The development hereby permitted shall not be occupied unless and until details of accessible, covered, secure bicycle parking facilities (both shared facilities and those in the rear garden area of unit 8) have been submitted to and approved in writing by the Local Planning Authority. Thereafter those facilities shall be retained. **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.

22 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

23 The development hereby permitted shall not be occupied unless and until the refuse and recycling storage areas for the development have been constructed or laid out in strict accordance with the approved plans and made available for use by the occupants of the development. Thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse and recycling associated with the development.

No dwelling shall be occupied unless and until it has been provided with the appropriate refuse containers necessary for the purposes of refuse, recycling and green waste, in accordance with the Council's specifications.

Refuse and recycling storage containers must be stored within the refuse and recycling storage area shown on the approved plans, unless when being presented on street for collection facilities.

Reason: To ensure the satisfactory provision of refuse and recycling 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.