

Application No: W 11 / 1468

Town/Parish Council: Warwick

Registration Date: 19/02/12

Case Officer:

Penny Butler

Expiry Date: 15/04/12

01926 456544 planning_west@warwickdc.gov.uk

Land adjacent to Woodloes Tavern, Woodloes Avenue South, Woodloes Park, Warwick, CV34 5XN

Construction of new convenience store (A1 retail use) to include an ATM on land adjacent to Woodloes Tavern. Alterations to existing car parking provision. FOR Punch Partnerships (PTL) Ltd and Midlands Assured

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

SUMMARY OF REPRESENTATIONS

Warwick Town Council – Comment. Policy UAP3 states that retail development will not be permitted outside of town centres unless there is a proven need and there are no suitable sites within or adjacent to the town centre and UAP4 is intended to protect local shopping centres, of which the development at Woodloes Warwick is one, with the objective of retaining general shops. UAP5 is also to protect local shops and it is the intention of UAP5 to resist the spread of retail use to locations which might prejudice the vitality of local centres and the land on which the development is proposed is not included with the local centre allocation at Woodloes.

Public response: 19 objections received from local residents on the following grounds:

- Lack of need for the proposed supermarket. The existing shopping centre provides the same facilities as that proposed, and there are also other supermarkets a short distance away. The new store will not provide any new items, be able to undercut existing businesses and will undermine the community. Traders which have been part of the estate from its beginning are more important to the fabric of the community than what is proposed. There are ample supermarkets nearby.
- Jobs will be lost as a result of existing businesses closing and stores will close thereby degrading the area.
- Since the proposal is nothing more than a duplication of existing facilities, to make the store viable, any increased trade will have to come from areas outside the estate, thereby further increasing traffic flows.
- Increased traffic, parking problems and hazards to school children and elderly people living opposite. There are currently unacceptable heavy traffic flows at peak times due to the existing shops, pub, school and housing. Additional traffic from a new store with associated delivery lorries would exacerbate the situation. Current parking provision is inadequate with vehicles parked in bus lay-bys and in front of the school, and the proposal would increase harm to young children on route to the school. A pedestrian crossing should be provided across Deansway.
- Insufficient car parking for store and public house.

- Inadequate turning space for delivery vehicles if parking spaces are occupied during delivery hours, which is likely with overnight parking at the public house.
- The recent expansion of the schools has considerably increased vehicle and pedestrian traffic on the road. Ridgeway School which has relocated to the site has a disproportionate pupil to teacher ratio and a wide catchment which has disproportionately increased traffic flows.
- Loss of existing 'green space'/play area. The proposal is for the development of commercial premises on a green space, landscaped with grass and trees where children play which was part of the original plan for the estate. Trees used by bats would require removal.
- Loss of view to residents opposite on Deansway.
- There should be no deliveries before 6am or late at night. Residents opposite would suffer noise and light pollution from vehicles using the access ramp.
- The public consultation carried out by the applicants was inadequate and carried out during working hours.
- Two years ago residents fought off proposals by another supermarket chain to develop the public house and feelings have not changed since.
- Two reasons surmised for the development by the Co-op are to keep Tesco off the estate and subsidise the running of the public house as it is not economically viable in the current financial climate. This kind of "commercial bribery" is not acceptable.

A petition containing 620 signatures has been submitted objections with the following statement: We agree that the existing shopping precinct adequately cover the needs of the convenience stores for the Woodloes residents. This will only create more congestion and hindrance towards access to school and residents homes as Deansway road is the main artery for access to Woodloes Park. The residents are more than adequately covered with choice of supermarkets and convenience stores within the surrounding area.

The landlords and owners of the freehold properties 2, 3, 9, 2A, 2B and 2C Reardon Court jointly object on the following grounds:

- The store is not necessary and would result in the closure of the existing businesses in the immediate vicinity.
- The application has no merit in that it will not provide any improvements for the community. The proposed trading model already exists and is perfectly acceptable for Woodloes Park residents. The proposal is for a duplication of current facilities. If granted the detriment caused to local businesses would far outweigh any benefits to the local community.
- The claimed public consultation has been extremely minimal consisting of a 3 hour discussion on the Thursday afternoon, and the sample of consultees was inadequate.
- The propaganda material published by developers was unnecessarily offensive and insulting to residents and traders who have served the community for the last 30 years. To suggest that have not given an appropriate service is unworthy and distasteful. Traders relationship with customers will be damaged causing irreversible damage to the community.
- Submitted photographs and plans do not demonstrate the high density traffic flow at the site. The recent expansion of the schools has considerably increased vehicle and pedestrian traffic on the road. Ridgeway School which has relocated to the site has a disproportionate pupil to teacher ratio and a wide catchment which has disproportionately increased traffic flows, congestion and noise pollution. Trade from areas outside the estate will further increase traffic flows.

- All the retail figures provided by the retail consultant are manipulative. The existing retailers feel they are being victimised as a minority community. The proposal is marketed under the false pretence of serving the community when it will in fact demise the community which exists. The Co-op is a multinational store fuelled by profit making with no local community element to their service.
- The Select and Save supermarket has recently been granted consent to expand to over 4000 sq.ft. The supermarket are in the process of considering to expand in the very near future. Tesco Express Stores has expressed strong interest in taking over the expanded store and clearly that it has potential viability with the benefit of being a functioning site. Proof of the offer is provided in the form of an email setting out possible terms.
- 8 weeks ago we were advised the application would be refused but now the recommendation has changed to approval on the basis of advice from your retail consultant. The decision should not be based on the opinion of one person and an in-depth and varied opinion should be sought from multiple experts in the field of planning application processes. We will not be satisfied until we have concrete evidence that a thorough analysis has taken place of the merits of the application.

Warwickshire Police: No objection but recommend that the applicant considers specific locks, locking mechanisms, glazing, shutters/grilles, bollards and CCTV.

Cultural Services (Green Infrastructure Manager): No objection subject to a condition requiring details of tree protection to be submitted.

Environmental Health: To prevent nuisance to local residents conditions are recommended to cover:

- No deliveries or noisy external activities likely to cause nuisance to nearby residences, between 6pm and 7.00am Monday to Saturday, before 9am Sunday or after 6pm Sunday.
- Store opening hours shall be limited to 8am to 10pm Monday to Saturday and 10 am to 6pm on Sunday.
- Noise arising from any plant or equipment at these premises), 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.
- The external lighting scheme be subject to approval by the planning authority.

WCC Ecology: No objection subject to tree protection and provision of nest box conditions, and nesting bird, and Cotoneaster horizontalis notes. The submitted ecological survey demonstrates that the majority of the site is of low ecological value and the four trees to be removed do not offer bat roosting potential.

WCC Highways: The Highway Authority previously raised an objection to the development and the applicant has since submitted additional information to address these concerns. The applicant is not proposing to provide any additional parking spaces in excess of the 26 previously planned however, even though the

site is located in what is considered a low accessibility zone, the Highway Authority notes that the catchment area for the development is likely to be local and in addition, there is a bus stop in close proximity. Were the site considered high accessibility only 8.8 spaces would be required in association with the development. Given the context of the site it is therefore considered that 26 spaces to jointly serve the convenience store and public house is adequate.

The Highways Authority's response is therefore one of no objection subject to conditions to cover access widening, access gradient, turning area, parking/loading/unloading space, visibility splays and construction traffic.

RELEVANT POLICIES

- UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
- UAP4 - Protecting Local Shopping Centres (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- National Planning Policy Framework
- Increased Security for Retail Premises (Supplementary Planning Guidance)
- PPS4 - Planning for Town Centres. Practice guidance on need, impact and the sequential approach.
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

The public house was approved as part of the Woodloes Park housing development in the 1970s. There has been a number of planning applications for alterations to the public house, most recently for refurbishment works in 2009.

KEY ISSUES

The Site and its Location

The application site comprises the public house known as the Woodloes Tavern, its associated hard surfaced car park with access off Deansway, and an area of open landscaped land on the western side. This open land is grassed, contains a number of trees, and is elevated at the south-western corner where the land banks up some 1-1.2m higher than the adjacent footpath. Deansway sits approximately 1m higher than the level of the car park. Public footpaths

surround all sides of the site, and further to the west is an area of amenity grassland. Directly to the south lies Reardon Court which consists of a two storey block of retail, cafe and hot food take-away uses with residential flats above, a public parking area to the front and shared service yard at the rear. To the south-west is the primary school and community centre. To the north on the opposite side of Deansway are a number of detached bungalows and houses. The application site is outside the boundary of the Local Shopping Centre defined under Policy UAP4, which includes only the Reardon Court building.

Details of the Development

It is proposed to erect a 445sq.m A1 retail unit on the site of the existing grassland, which will provide 280 sq.m of retail floor space and 160 sq.m of storage/back of house space. A service area will be provided at the southern end of the building providing bin storage areas and delivery vehicle space which will be secured by a 2.4m high metal palisade fence. To the rear of the building will be a 2.4m high palisade fenced plant area. The existing vehicular access point to the site from Deansway will be retained, as will the existing car park but with a new formal layout providing parking each side of the central access point. A footpath link would be provided from the parking area to the local centre to the south, and from the northern side of the store to Deansway.

Assessment

Impact on local centre and retail need

The application proposes a small retail store outside the boundary of the local shopping centre. Policy UAP3 only permits new retail development within town centres, unless the following criteria are met:

- a) there is a proven retail need for the proposal;
- b) there are no available, suitable and viable sequentially preferable sites or buildings;
- c) it would reduce the need to travel by private car;
- d) the development is, or can be made, genuinely accessible and well served by a choice of means of transport, especially public transport, walking and cycling as well as by car;
- e) it can be demonstrated that the proposal would not have a significant adverse impact on the vitality and viability of town centres, district centres and local centres nor on the development plan retail strategy.

There is no longer a requirement to demonstrate a proven retail need as this policy was written prior to the introduction of PPS4, which has now been replaced by the NPPF which removes this requirement. Since the proposal is for a small scale store it is appropriate that it is located within or adjacent to the existing local centre, as it is intended to serve the local community, therefore it is considered that criterion b is complied with. The proposal also complies with criteria c and d since the site is centrally located and well served by public transport or by cycle/on foot. This leaves criterion e as the remaining issue that requires consideration.

Similar to criteria e, the NPPF advises that where such an application is likely to have an adverse impact on one or more of the factors below, it should be refused:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

The applicant makes the case that the application site falls within the Reardon Court local shopping centre, however, strictly speaking it is adjacent. They also say that the public house requires further renovation and upgrading, despite the recent renovations, and that this proposal would help the brewery bring that about. The proposal they claim will enhance the shopping provision at Reardon Court so that the viability of both the local shopping centre and the public house is reinforced, and the proposal will reduce the need for residents to leave the estate for day to day shopping needs and will mean many of these trips can be done by car or foot, therefore reducing vehicle trips. They draw attention to application W10/0967 which was for the erection of a detached building within the rear service yard of Reardon Court providing a hairdressers, take-away and 2 flats. This was allowed at appeal with the Inspector stating "The purpose of the new building is to re-locate the existing hairdressers and take-away which currently front onto the access road so that the floor area of the existing supermarket can be increased. Since the proposals are within the existing local centre they would be sustainability located, accessible and they would be likely to reduce vehicle movements by allowing more combined trips. As such there would be no adverse impact on the vitality and viability of the centre." The applicant also points out that the proposed store would be closer to the front of the existing retail units than the units permitted at appeal.

They conclude that the provision of the new store will secure a welcome addition to the range of locally available shopping facilities to the overall benefit of the local community, and without detriment to the objectives of sustaining and enhancing the vitality and viability of existing centres, and to promote access to shopping facilities. In addition the enhancement of the scale and range of locally available convenience shopping facilities which the proposal will deliver, will promote competition and enhance local consumer choice.

The Council's retail consultant, Dr Steven Norris was requested to review the retail evidence. He concluded as follows:

- The proposed store will principally function as a 'top-up' (basket-based) convenience store, meeting the day-to-day needs of its local resident catchment population.
- Its more limited food offer means that it will not compete 'like-for-like' with the larger food superstores in the District for main 'bulk' (trolley-based) shopping trips and purchases.
- It would be difficult, based on the evidence and minor adjustments to some of the applicants assumptions, to argue that there is not sufficient expenditure available in the local catchment to support the proposed store's turnover. However, this will be dependent on the degree to which the proposed store is able to 'claw back' shoppers and expenditure from the local catchment area currently going to other shops and stores outside the catchment for their 'top-up' food shopping needs.
- It is forecast that circa 20% (£0.37m) of the proposed store's total convenience turnover of £1.86m would be diverted from Reardon Court local centre, which is equivalent to an overall impact of -23.3%. This is

significantly higher than the 4.3% (£0.08m) trade forecast by Marrons, which is equivalent to a -5% impact. Based on our review forecasts we estimate that circa £0.35m is diverted from the Select and Save store, which is equivalent to a -28.9% impact. The PPS4 Practice Guidance states that there are "...no meaningful benchmarks of what constitutes an 'acceptable' level of trade diversion" and the relevant factors "...will depend on the circumstances of each case" (paragraph 7.29). In terms of judging the effects of a proposal on the vitality and viability of a centre the guidance is clear that: "significant levels of trade diversion from the centre, or key sectors, can seriously undermine its vitality and viability resulting in reduced footfall, increased vacancies, a more 'down market' offer, etc.". In this context we now consider the likely impact of the forecast levels of trade diversion on the vitality and viability of Reardon Court Local Centre as a whole, as well as the potential effects on planned investment in the centre.

- There is no evidence that the planning permission granted at appeal will not be implemented if the proposed store is allowed.
- Overall we do not consider that the forecast levels of trade diversion and impact will harm the overall vitality and viability of the local centre. Although our revised impacts of between 23% and 29% are substantially higher than the 5% forecast by Marrons, we do not consider that this will result in the closure of the Select & Save store, or the other shops in the centre. There are a number of 'factors' that inform our judgement in this case:
- Although we have assumed for the purpose of our appraisal that the proposed store is located on the edge of Reardon Court, it could be considered as being within the centre based on slightly wider definitions of the centre boundary. In any case the application site and proposed store should be capable of forming strong linkages and connections to the centre.
- The proposed store will increase the level of competition and choice in the local centre, to the benefit of existing local residents and shoppers.
- The proposal will help to reduce the 'leakage' of day-to-day 'top-up' expenditure from the local catchment area.
- The proposed store will increase the overall convenience turnover of the local centre.
- The proposed store will result in an increase in linked trips, which will in turn increase the footfall and spin-off expenditure across the centre as a whole.

In summary, we consider that the location of the store on the edge of Reardon Court will effectively act as a dual 'anchor' to the local centre's overall retail offer along with the Select & Save store, creating a more vital and viable centre principally serving the 'day-to-day' needs of local residents on the Woodloes Estate.

- The store is of an appropriate scale as it is consistent with similar stores in centres at a similar level in the hierarchy, including the Select & Save store.
- The store would not result in a significant and disproportionate increase in the centre's overall market share of convenience goods shopping trips and expenditure.
- The application site is well connected to the existing local centre and will therefore be highly accessible to the local catchment population by a variety of modes of travel.
- The proposed store would also result in positive benefits for the centre as a whole, for example by helping to reduce 'leakage' of trips and expenditure to other stores that are less convenient. This will in turn benefit the centre through linked trips, increased footfall and spin-off expenditure to other shops and facilities.
- Although we have not assessed the wider economic development impacts of the proposed store under Policy EC10.2 of PPS4, it is clear that the store will

result in employment and regeneration benefits that will need to be considered by the Council as part of its decision-making on the application proposal.

- In conclusion, when considered against Policy EC17.1 of PPS4 we conclude that there is no "clear evidence" based on our appraisal of the applicant's retail assessment that the proposed store is likely to lead to "significant adverse impacts" in terms of the impacts set out in policies EC16.1.
- We advise the Council that if it does resolve to grant planning permission in this case then reasonable planning conditions should be imposed on the gross and net sales area of the store and the mix of food and non-food sales in compliance with Policy EC19 of PPS4.

The evidence from Dr Norris has been carefully considered along with the opposing views of the objectors, but it is considered that the advice from Dr Norris is sound and therefore for the reasons he has stated it is concluded that the proposal would be in accordance with Policy UAP3 and the NPPF.

Impact on highway and parking

A transport statement submitted with the application sets out the transport implications of the development and the case for parking provision. This concludes that the net increase in vehicle movements is not considered to represent a material change in traffic movements on the adjacent network. 26 parking spaces are proposed, to include 2 disabled spaces. This is equivalent to the maximum standard specified under the Vehicle Parking Standards SPD. However, the development occupies the existing car park of the public house therefore the public house would be left with no parking provision. The public house is approximately 522sq.m which equates to a need for 26 spaces under the SPD.

The Highways Authority previously objected to various issues which have now been resolved, and to the under provision of parking on the site which is in close proximity to the schools, where any over spill parking onto the public highway would create danger to road users and pedestrians. The level of parking provision has been re-assessed given that a significant proportion of retail trips generated by the new store would be linked to existing trips to the local centre and school, and that the peak hours of parking demand related to the public house will not be at the same time as that associated with the schools. In addition, the catchment area for the new store, local centre and pub is local and there is a bus stop adjacent, therefore if the site were considered to be in a high accessibility location rather than low accessibility, the parking requirement under the SPD would only be 8.8 spaces for the store. For these reasons it is considered that the 26 spaces proposed for the convenience store and the public house are adequate. Taking the above into account, it is concluded that the proposal would comply with Policies DP6, DP7 and DP8.

Impact on visual amenity and loss of green space

The proposed building has been cut into the existing ground level by 1-1.5m which reduces the visual impact of the building and the tallest part is on the northern side of the site, adjacent to Deansway where land is higher. The contemporary design of the building consists of a low single storey brick building with panels of cedar and white powder coated metal cladding and a curved metal standing seam roof. The surrounding character consists of 1970s style buildings and dwellings of brick construction with large windows and low pitched concrete tiled roofs. It is considered that the design and scale of the building is

appropriate for this location, and would not lead to an adverse impact on local character or surrounding buildings, in accordance with Policy DP1.

The proposal will result in the loss of an attractive green space at this community focal point within the estate. However, the land is not public open space, is in private ownership, and as such was not included in the 2008 Parks and Open Space Audit. Although it has clearly been used informally as a play area there is no specific consent for this. The removal of existing trees is always regrettable but it is considered that the proposal will retain sufficient landscaping around its perimeter to mitigate its minor visual impact. The three trees to be removed are located centrally on the site and are about 30-40 years old, having been planted at the time the estate was developed. The majority of trees will remain including the largest which is a lime tree on the southern side close to Reardon Court and a row of sycamores along the western boundary which screen the site from the west and north. A landscaping scheme is considered necessary in order to secure an acceptable form of landscaping to the northern side of the store where four new trees are proposed, and to ensure there is no net loss of biodiversity in accordance with Policies DP1 and DP3.

An area of similar green space exists on the western side of the plot in front of the community centre, and there is further such space to the north on the opposite side of Deansway. The Woodloes estate is characterised by its open plan design consisting of buildings set back from the road behind wide verges, and blocks of houses which are interspersed with green spaces. However, given the proximity of surrounding green spaces to the application site, and the fact that this site is at the heart of the estate where a more developed character exists in the form of Reardon Court and the adjacent care home, it is not considered that there would be serious harm to character of this area. The proposal is therefore considered to comply with Policy DP1.

Impact on neighbouring amenity

Plant associated with the proposal consists of an air source heat pump, 3 air conditioning units and 4 refrigeration condensers. Noise would also be created by customers using the car park, use of compaction equipment and delivery vehicles, which may access the site at unsocial hours, although the applicant advises this would be between 07.00 and 18.00. Store opening hours are expected to operate between 08.00 and 22.00. The Environmental Health Officer has assessed the noise impact report submitted with the application, and subject to an appropriate condition setting a maximum noise level for the plant associated with the use, the impact is considered acceptable. Conditions are also recommended limiting the hours of deliveries and opening. Subject to these recommendations the scheme is considered to not have an unacceptable adverse impact on the amenity of nearby residents, and to comply with Policy DP2.

Sustainability

The sustainable buildings statement submitted with the application sets out the intention to install an air source heat pump which will provide 21% of the projected energy needs of the development. This is in excess of the 10% required by the Sustainable Buildings SPD, and is therefore considered acceptable.

Bicycle hoops are provided at the front of the building which will encourage cycling. It is intended to dispose of storm water via soak away systems which

will be finalised following site investigation. Outflows will be limited to green field run off rates and protection will be provided for flooding up to 1 in 100 year events plus 20% for climate change. A condition is recommended requiring the detail to be prior approved, which would ensure compliance with Policies DP9 and DP11.

Other matters

Level access will be provided into the store via automatic sliding doors, and the amended parking layout provides disabled spaces next to the proposed store and the existing pub, which would comply with Policy DP15. Anti-ram raid bollards are proposed at the front of the store entrance and ATM thereby ensuring compliance with Policy DP14 by preventing crime. Roller shutters were also proposed to the glazed shop frontage and main entrance but these are not considered acceptable due to the deadening visual impact these have on frontages, in accordance with the advice contained within the Increased Security for Retail Premises SPD. A condition is therefore recommended prohibiting the installation of such shutters.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) (2690-104E and 2690-105A submitted on 16 December 2011. 2690-102G and 2690-103G submitted on 18 April 2012), and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 Prior to any work commencing on site, full details of measures to be taken to protect retained trees on site during development must be submitted to and approved in writing by the District Planning Authority. All development shall be in accordance with these approved details. The details must include, but not be limited to, the type and position of fencing, timing of operations including erection and removal of fencing,

location of site compounds, access routes for construction traffic, arrangements for briefing contractors on tree protection, location of all underground service runs, details of arboricultural supervision during development, details of the design and method of construction of all hard surfaces within the identified root protection areas of retained trees and details of the means of construction of the cut into the bank and how excavation or levels changes within the root protection area of retained trees will be avoided. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 5 A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 6 Details of the means of disposal of storm water from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 7 The development shall not be commenced until space has been provided within the site for the parking/ loading/unloading of vehicles in accordance with details to be approved in writing by the Local Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 8 The Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 9 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nest boxes for house sparrow and starling, to be erected on trees/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 and location. Thereafter, the

nest boxes shall be installed and maintained in perpetuity. **REASON:** To ensure the protection of birds and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 10 The development shall not be commenced until the existing vehicular access to the site has been widened so as to provide an access of not less than 5 metres in width for a distance of 10 metres, as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 11 The gradient of the access for vehicles to the site shall not be steeper than 1 in 12 for a distance of at least 10 metres, as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 12 The development shall not be commenced until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site to leave and re enter the public highway in a forward gear with a parking management plan maintained on occupation to ensure turning area is available for delivery vehicles on site when necessary. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 13 The development shall not be commenced until visibility splays have been provided to the access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 14 No lighting shall be fixed to the external walls or roof(s) of the building(s) hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 15 Noise arising from any plant or equipment (at these premises), 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 surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

- 16 Store opening hours shall be limited to 8am to 10pm Monday to Saturday and 10 am to 6pm on Sunday. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 17 No deliveries or noisy external activities likely to cause nuisance to nearby residences, shall occur between 6pm and 7.00am Monday to Saturday, before 9am on Sunday or after 6pm on Sunday. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 18 Hours of illumination inside the store will be limited to 06.30am to 10.30pm Monday to Saturday and 08.30am to 6.30pm on Sunday. **REASON:** To prevent light pollution, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- 19 Notwithstanding the details included in the application or on the plans hereby approved no security shutters or grilles of any kind shall be installed on the building without the prior permission of the District Planning Authority. **REASON:** To protect the amenity of the surrounding area, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 20 The foodstore hereby permitted shall be used as a foodstore and for no other purpose including any other purpose in Class A1 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). The net retail sales area of the foodstore shall not exceed 280 sq.m. No more than 250 sq.m of this net retail sales area shall be used for the display and sale of food and convenience goods. **REASON :** To satisfy the requirements of Policy UAP3 in the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of highway safety, the impact on the living conditions of nearby dwellings or the ecological impact of the proposals which would justify a refusal of permission. Furthermore the applicant has demonstrated that there are no sequentially preferable sites available and that it would not lead to significant adverse impacts on the local centre. The proposal is therefore considered to comply with the policies listed.
