

Application No: [W 23 / 0364](#)

Town/Parish Council:	Warwick	Registration Date:	08/03/23
Case Officer:	Adam Walker	Expiry Date:	03/05/23
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Euro Garages, Stratford Road, Warwick, CV34 6AT

Demolition of the existing development and erection of a Petrol Filling Station with an Ancillary Food Retail Shop and creation of 4no. rapid Electric Vehicle Charging Points, along with air and water bays. FOR EG Group

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

The application was deferred at the previous Planning Committee (November 2023). The application was deferred in order to enable:

- i. Further clarity to be provided on proposed noise attenuation measures and their benefits, including the extent and detail of the proposed acoustic fence;
- ii. Consideration to be given to exploring further opportunities for additional or extended noise attenuation measures;
- iii. Further clarity to be provided on the requirements of proposed condition 8 in non-technical language;
- iv. Clarification of the position regarding ecology;
- v. The applicant to provide any further information or clarification on lighting proposals for the site
- vi. Clarification of the tracking details for vehicles entering the site from both directions and the Highways Authority position on this aspect.

The assessment provided within this report has been updated to reflect the above.

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 application proposes the demolition of all existing buildings on the site and erection of a larger retail unit, a canopy area over six fuel pumps as well as the

introduction of four EV charger points and associated plant structures to the south of the site.

THE SITE AND ITS LOCATION

The property is an established petrol filling station (PFS) which includes a forecourt area with petrol pumps and canopy, a single storey retail kiosk, a car wash and a three-bay workshop, which is used for ancillary storage by the PFS.

There is a private access track behind the site, accessed between the site and No. 46 Stratford Road on the north side.

PLANNING HISTORY

W/10/0557 - Erection of replacement petrol filling station, with canopy, ancillary sales kiosk, car wash, 2 no. jet washes and air, water and vacuum equipment, ATM - Refused and dismissed at appeal

RELEVANT POLICIES

Warwick District Local Plan 2011-2029

- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- TR1 - Access and Choice
- TR3 - Parking
- TC2 - Directing Retail Development

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- National Planning Policy Framework
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No objection (initial objection removed following a review of the planning committee report published for the October meeting)

Environmental Health Officer: No objection, subject to conditions.

Highways Authority: No objection – The parking provision is considered acceptable. Conditions requested relating to public highway foot crossings and parking provision laid out as shown in the proposed plans.

WCC Ecology: No objection, subject to conditions regarding supervision of demolition, submission of a detailed schedule of habitats and species enhancements measures and nesting birds as well as a note regarding protection of hedgehogs.

WCC Landscape: No objection following amendments.

Planning Policy: No objection – guidance provided and discussed below.

Cllr Daniel Browne: Objection

- Noise and light pollution due to 24 hour opening hours from vehicles, people using the shop and the electricity sub-station.
- Loss of privacy at neighbouring properties
- Insufficient parking on the site leading to roadside parking, which is unsafe on a busy road.
- Insufficient parking in the parking area to provide for parking for users of the proposal.
- Loss of trees.
- Increase in traffic, resulting in traffic jams.
- Impact on local businesses, such as those on Shakespeare Avenue.
- The development is too big for the size of the site.

Public Response: 13 received (7 objections, 6 in favour) raising the following issues:

Objections:

- Over development of the site
- Insufficient parking provision proposed – cars already park on the pavement outside the PFS and this will likely worsen the situation. 2 parking spaces are used by employees
- There are additional EVCPs in the area
- The building would inhibit a clear view of the pavement, endangering pedestrians
- The substation would result in noise disturbance
- Noise disturbance and disruption from people using the site, charging their cars and deliveries
- Lack of toilet facilities
- Impact on the local shops at Shakespeare Avenue / Chase Meadow
- Increased traffic
- The workshop and site has been deliberately left to deteriorate and become derelict
- The site is surrounded by housing on three sides
- The PFS would become ancillary to the shop
- Eurogarages have not maintained the existing site
- Impact on neighbour privacy and daylight
- Disturbance from existing and proposed lighting
- The car wash currently forms a noise barrier to neighbouring dwellings and will be removed
- Impact on wildlife

Supportive:

- Improved appearance of the site
- Greener travel infrastructure
- A safer layout of the site is proposed
- Jobs maintained for the shop
- Landscaping and fencing around the site would create more privacy for neighbour
- Proposal would improve the facilities for EV drivers living in Warwick as well as visitors to the town
- There is a need to provide the latest EV technologies to deliver fast charging facilities
- Development will improve the look of the site with the demolition of a disused building and an outdated shop
- There is a need for toilets for those charging their vehicles
- If Warwick wants to support the move to EV and continue to support the tourism sector this update to the site required

ASSESSMENT

The application was deferred at the previous committee meeting for further information and clarification to be provided to members in relation to noise, external lighting, ecology and highway matters. The original assessment has been updated and incorporates responses to the reasons for the deferral.

Site history

There has been a garage on the site since before 1948 and the site has been redeveloped on a number of occasions. A scheme for a larger shop and additional features including a car wash was refused planning permission in 2010. The application was refused for two reasons. The first reason for refusal related to the scale of the shop not being ancillary and the resulting impact on the commercial vitality and viability of the nearby Shakespeare Avenue local shopping centre and on the completed local centre for the South West Warwick development area. The second related to the inadequate amount of on-site parking, compared with the adopted SPD on vehicle parking standards.

There was subsequently an appeal, which was dismissed by the Planning Inspectorate on the grounds that the shop was not ancillary. The Inspector also concluded that there would not be any harmful impact in terms of disturbance or inconvenience to nearby residents as a result of the parking provision.

Principle of development

Local Plan Policy TC2 (Directing Retail Development) directs new development towards retail areas defined in the Policies Map and takes a sequential approach, requiring that locations are considered in the following order:

A) sites and buildings within the defined retail areas of the town centres;

- B) then sites on the edge of the retail areas;
- C) then out-of-centre sites.

Where sites on the edge of the retail areas are considered, preference will be given within each category to accessible sites that are well connected with the retail area. Evidence of the impact on the retail area will be required where the proposal is above 500 sq. m gross floorspace.

The proposal includes an increase in floor space from 73sq.m to 198sq.m. Whilst this is a substantial increase in retail area, it still falls well below the threshold of 500sq.m set in Policy TC2 which would trigger the requirement for a retail impact assessment.

Turning to the issue of the sequential test, the proposed business model is for a PFS with ancillary retail floor space. The proposed amount of retail floor space is considered to be proportionate for this type of development and the trading characteristics of the business model are such that there is a specific locational requirements for the proposed retail element. As such, it would not be reasonable to seek to disaggregate the retail floor space from the remainder of the business. On this basis, Officers accept that there would be no sequentially preferable sites within nearby centres.

It is worth noting that there have been changes to the relevant national guidance since the refusal of the previous planning application (W/10/0557). In 2011, at the point that the appeal was dismissed, the relevant guidance (PPG6) stipulated that retail uses in conjunction with petrol stations should be 'ancillary' to the main use. This guidance was withdrawn in 2013 and sequential tests and, where relevant, retail impact assessments are now the 'measure' in these circumstances. As discussed above, there is no requirement for a retail impact assessment and it is accepted that there are no sequentially preferable sites. The application is therefore considered to be acceptable in this regard.

The proposal includes the demolition of a service garage on the southern side of the site. The mechanics garage falls within use class B2, which LP Policy EC3 (Protecting Employment Land and Buildings) seeks to retain. The applicant has stated that the site has been under their ownership since 2007 and it has never been sublet or used for any other purpose, instead being used for storage purposes by those operating the PFS. This is also stated by members of the public, who have commented that the garage is disused and unkempt.

The applicant purchased the site 16 years ago, since which time the use of the garage building has been ancillary storage to the main *Sui Generis* use of the site. The officers' report for application W/10/0557 also refers to the operation of the garage in the past tense, whilst Google mapping imagery dating back to 2008 indicates that the building has not been in active use over that period, which supports the applicant's assertion.

The change of use of the garage is therefore considered to have taken place over 10 years ago and is immune from enforcement action. It is therefore considered

reasonable to assess the current use of the building as ancillary to the main *Sui Generis* use, with no loss of employment buildings resulting as part of the proposal.

The proposal is considered to comply with LP Policy TC2 and is considered acceptable in principle.

Impact on the character and appearance of the 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.

Policy NE4 of the Local Plan requires new development to positively contribute to landscape character. Landscaping details have been submitted with the application and these have been amended where practical to address the comments received from WCC Landscape.

The surrounding area is predominantly residential in character, mainly consisting of two storey semi-detached housing. However, opposite the site is a modern car sales showroom, which was recently occupied by KIA motors.

The existing development of the site has taken place sporadically over the years, resulting in a mix of buildings of varied designs and forms. The existing site is generally not considered to be beneficial to the character of the surrounding area.

The proposal would replace the existing PFS canopy, single storey retail kiosk, car wash and a three-bay workshop with a contemporary mono-pitch roofed retail building and a PFS canopy of smaller footprint. Although the retail unit would be larger in footprint than that existing, the proposal would result in a reduction in development footprint across the site as a result of the removal of the car wash and the mechanics garage. There would also be a reduction in the area covered by the canopy.

The proposed PFS shop would project further towards the road than the existing shop. However, the existing building already projects significantly forward of the building line to the north and it is not considered that extending the shop closer to the road would result in an overly prominent or incongruous development. The shop would be lower in maximum height than that existing and would replace it with a modern, contemporary structure which would be more akin to the car showroom opposite. Whilst the canopy would increase in height to allow for taller

vehicles, its footprint would decrease and it would not appear overly dominant when compared with existing development on the site.

The timber and composite cladding proposed for the retail unit is contemporary in its design, with a simple palette of materials, including a relatively large area of glazing. The PFS canopy includes thin vertical supports and low-profile soffits, resulting in a visually lightweight structure. Subject to a condition requiring submission of samples of materials, it is considered that the proposal would be acceptable in terms of its impact on the character and appearance of the area.

The proposal includes four EV charging spaces and charging stations on the south boundary of the site and associated substation and EV cabinet to the east of them. The structures would not be excessive in scale and would be partially hidden in the street scene by a hedge which would separate them from the street. It is considered that this would ensure a satisfactory appearance and increase landscaping to this corner of the site.

Additional landscaping would be provided by a hedge along the south boundary, a section of native shrub planting in the south west corner and a larger area of planting with boundary hedge on the north boundary. It is considered that this provides adequate soft landscaping across the site and following amendments, the landscape officer had no objection to the proposal.

The noise report submitted by the applicant indicates that a 2.7m high barrier would be required to mitigate any harm to adjacent neighbours in terms of noise impacts. This is considered acceptable in terms of appearance due to the commercial nature of the site and the existing boundary fencing, with further details of appearance required prior to commencement of development through attachment of a suitably worded condition.

Overall, it is considered that the proposal would improve the character and appearance of the area, which has been mentioned in a number of supportive comments from members of the public. It is therefore considered that the proposal complies with the above stated policies.

Impact on 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. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

The Residential Design Guide SPG 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. 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.

Neighbouring properties consist of dwellings on the north, south and west boundaries.

Noise

The hours of use of the existing PFS are not restricted by condition and it currently operates 24 hours a day, 7 days a week. As such, the existing situation results in a degree of noise disturbance.

The removal of the existing car wash facilities would provide some noise benefits to local residential properties. However, the proposed electric vehicle charging (EVC) points and associated sub-station would be situated in close proximity to the residential boundary of 58 Stratford Road, as would air and water stations. Concerns were initially raised by the Environmental Health Officer (EHO) regarding noise made by the charging and air and water facilities, as well as noise made by those using those facilities, such as stereo noise and loud conversation, especially in the night-time hours. Due to these concerns, a noise assessment report was requested to demonstrate that these elements of the proposal would not have an adverse impact on residential amenity. The noise assessment report proposes mitigation in the form of a 2.7m high acoustic fence. The proposed fence fully encloses the site on three sides; it is only the site frontage that would not include the fencing. The proposed fencing runs along the full length of the boundary with No.58 Stratford Road which lies to the south and would therefore screen the EV infrastructure, air and water facility and the general petrol station activities from this neighbouring property.

Acoustic fence is denser than a domestic fence therefore reflects and absorbs noise better as opposed to allowing noise to travel through. The applicant has provided a specification for the proposed fencing which indicates that it would have a superficial mass of 28 kg/m². A minimum superficial density of 10 kg/m² is generally required for acoustic fences and the proposed fencing therefore comfortably exceeds this. A condition is recommended to secure the proposed fencing.

Officers have considered whether there are further opportunities for additional or extended noise attenuation measures. However, there are very limited opportunities for additional noise mitigation measures beyond those proposed. The inclusion of signage in the EV parking bays asking customers to respect the neighbours by keeping noise to a minimum could be considered, with a scheme for such signage secured by condition.

Condition 8, as recommended by Officers, would also serve to protect the amenity of neighbouring occupiers and prevent incremental increases in ambient noise levels from new development (also known as noise creep). Condition 8 says that the noise emitted by the proposed plant and equipment must not exceed the existing background sound level when measured next to the facade of neighbouring houses. This is a standard condition and the wording is required to be technical in nature to ensure that the requirements are precise and enable it to be enforceable.

The EHO considers that the proposed acoustic fencing and the restrictions imposed under condition 8 and sufficient to protect the amenity of neighbouring occupiers from unacceptable noise impacts. The wording of condition 7 (acoustic fence) has been updated to include reference to the proposed specification of the fencing.

External lighting

Members requested further information or clarification on the external lighting proposals for the site, although it was noted by Officers that it is not unusual for lighting details to come forward at a later time and therefore further details could not be required of the applicant prior to determination. The applicant has however provided some details of a lighting scheme that has been approved at another of their sites elsewhere in the country. That relates to a PFS and drive-thru and is similar to the application site in that it is also immediately adjacent to residential land. It is intended to demonstrate the type of lighting that could be installed to control light spill. For example, it specifies luminaire mounting heights, tilt angles and spill shields.

While there is not a detailed external lighting scheme for the development, Officers are satisfied that an acceptable lighting scheme could be agreed through a condition. To discharge the condition, the developer would need to provide a detailed specification for the proposed lighting, including the type of lighting and specific mitigation features, the location of the lighting and the hours of operation. The proposals would need to be supported by a suitable lighting contour plan to demonstrate lux levels within the site and any light spill outside of the site boundary. The condition would require the approved lighting to be provided in accordance with those details and retained as such, which provides the Council with an enforceable position.

Visual intrusion and overshadowing

No.46 Stratford Road is a detached two storey dwelling to the north. The existing development breaches the 45-degree line to the front of that neighbour, with the proposal increasing this breach. However, that neighbour would be well over 8.0m from the breach and would be separated by an existing intervening hedge and it is therefore considered that the proposal would not result in any material harm to light and outlook at that property.

No.58 Stratford Road is a two storey dwelling to the south. The proposal would not dissect a 45 degree line taken from the centre of the living room window at this property and new development would be limited to low level plant buildings on that boundary. A hedge is also proposed to be planted along the boundary at a height of 1.75m-2m. It is therefore considered that the proposal would not result in material harm to light and outlook at this neighbouring property.

The west of the site is bordered by a private access lane, beyond which are the rear gardens and rear elevations of 28-40 Wordsworth Avenue. The gardens are relatively long, with the closest dwelling being approximately 19m distant from the border of the site. Whilst the shop would be repositioned closer to some of those neighbours, it would remain single storey and limited in height, with separation

distances exceeding distances stated within the Residential Design Guide for rear elevations of houses facing blank gables of two storey buildings.

The proposed canopy would be repositioned to the south west, closer to neighbours on Wordsworth Avenue. However, the canopy would measure only 5.8m in height to the top of the soffit, which is comparable in height to a two storey building and would be in excess of 12.0m from any of the rear elevations of those neighbours. Furthermore, the building would be of lightweight construction which would further mitigate any impact. It is therefore considered that this element would not result in any material harm to light and outlook within those properties.

To conclude, Officers are satisfied that the development would not result in any unacceptable impacts on residential amenity, subject to conditions.

Access and Highway safety

Policy TR1 (Access and Choice) of the Warwick District Local Plan states that development will only be permitted if it provides safe, suitable and attractive access routes for pedestrians, cyclists and vehicles. Amongst other things, development proposals are expected to not be detrimental to highways safety.

Policy TR3 (Parking) of the Warwick District Local Plan states that new development will only be permitted that makes adequate provision for parking. The Council's adopted Parking Standards SPD provides additional guidance in this regard.

The site currently has two points of access off Stratford Road and as part of the proposed scheme it is proposed to modify the access points and create a formal 'in' and 'out' arrangement.

The vehicle tracking provided with the application only shows vehicles turning left into the site. Members have requested clarification of the tracking details for vehicles entering the site from both directions and the Highways Authority position in this respect.

Officers have requested vehicle tracking details from the applicant however this has not been provided to date and it is unclear whether such information will be provided. In the circumstances, it is only possible to rely on the original assessment undertaken by the Highways Authority and the absence of an objection to the proposed layout on highway safety grounds.

The Parking Standards SPD do not state parking requirements for a PFS use but the most relevant category (food retail) states that 1 parking space should be provided per 14sq.m, resulting in a parking requirement for 14 spaces. The proposal would include seven parking spaces, including two disabled spaces, in addition to four EV spaces and would also provide space for six vehicles to use the fuel pumps, resulting in a total of 17 spaces on the site. The Highways Authority has not raised any concerns with the level of parking provision and it is therefore considered acceptable from a highway safety perspective.

Ecology

Policy NE2 of the Local Plan seeks to protect designated areas and species of national local importance for biodiversity; development will not be permitted that will destroy or adversely affect (for example) protected, rare, endangered or priority species. Policy NE3 states that new development will be permitted provided that it protects, enhances and/or restores habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The County Ecologist has been consulted and, following the submission of additional information, raises no objection to the application subject to conditions. These conditions would require the existing buildings and structures to be demolished/removed in the presence of a qualified bat worker so as to ensure that there would be no harm to bats. A condition is also recommended to ensure that the development is carried out in such a way so as to avoid harm to nesting birds; this would either mean time tabling site clearance works to avoid the bird breeding season or having a qualified ecologist inspect the buildings and any vegetation to be cleared on site immediately prior to such works taking place. A condition is also recommended requiring a detailed schedule of habitat and species enhancement measures to ensure that the development results in a demonstrable net gain for biodiversity. It has also been recommended that a note be added to any planning permission regarding the protection of hedgehogs.

The conditions recommended by the County Ecologist are considered necessary and reasonable and subject to these conditions officers are satisfied that the proposal complies with the above referenced policies and guidance in the NPPF. A note would also be added to any permission regarding hedgehogs.

Other considerations

Land contamination

The site is previously developed land and has historically been used as a petrol filling station and the possibility of several previous generations of underground storage tanks are identified in the submitted geo-environmental assessment report.

The report advises that all existing underground storage tanks would need to be removed as part of the proposed redevelopment and that additional investigation and sampling should be undertaken after the removal and remediation of these tanks. The Council's EHO has been consulted and recommended a condition requiring submission of additional investigation work.

Subject to inclusion of that condition, the application is considered acceptable in this regard.

Construction impacts

To minimise adverse impacts on residential amenity during the demolition and construction phases of the proposed development, a condition has been attached as advised by the Council's EHO.

Subject to inclusion of that condition, the application is considered acceptable in this regard.

Representations

The concerns raised by Councillor Browne and local residents are acknowledged, however, for the reasons detailed within this assessment it is not considered that these objections could be sustained.

Conclusion

The proposals are considered acceptable in principle and in relation to all of the detailed matters that have been assessed above. It is therefore recommended that planning permission is granted.

CONDITIONS

1 Time limit:

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 Approved Plans:

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

- 220131 - 102 (E)
- 220131 - 103 (A)
- 220131 - 104
- 220131 - 105
- 220131 - 106 (D)
- 220131 - 107
- 220131 - 108
- 220131 - 109 (D)
- 220131-110 (A)
- 01 Rev G

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 Land contamination (pre-commencement condition):

No development shall take place until: -

(i) A supplementary site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

(ii) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

(iii) 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 shall be approved in writing by the Local Planning Authority prior to the remediation being carried out on the site.

(iv) Once approved, all development of the site shall accord with the approved method statement.

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

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

4 Construction management plan (pre-commencement condition)

No works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan.

Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

5 Sustainability Statement

Notwithstanding details contained within the approved documents, prior to commencement of development above slab level, a Sustainability Statement including an energy hierarchy scheme and 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 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) Consideration of how the potential for energy from decentralised, low carbon and renewable energy sources, including community-led initiatives can be maximised;
- f) How the development optimises the use of multi-functional green infrastructure for urban cooling and local flood risk management.

For the avoidance of doubt, the scheme must accord with any relevant Development Plan Document and Supplementary Planning Document relating to sustainability which has been adopted by the Council at the time the scheme is submitted.

The development shall not be brought into use 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).

6 Materials:

No development shall be carried out above slab level unless and until samples of the external facing materials to be used and design details of the approved acoustic fence (including colour) 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 and retained as such.

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.

7 Noise mitigation:

Prior to the development hereby permitted first being brought into use, a 2.7-metre-high acoustic barrier shall be installed in accordance with the details shown on the Proposed Layout (drawing number 220131 - 102 (E)), the details set out in the Noise Impact Assessment: Report DC4265-NR1v2' produced by Dragonfly Consulting and dated 7th July 2023 and the specification detailed within the submitted Jakoustic Reflective document (reference: Jacksons, JFS MKT/SPC 0611 V1). The fence shall be imperforate and sealed at the base. The fence shall thereafter be retained as such.

Reason: To protect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029 and guidance in the NPPF.

8 Plant noise limits:

The fixed plant and equipment hereby permitted shall be installed and maintained thereafter to ensure that the noise rating level (dB, LAeq,T), when measured (or calculated to) one metre from the façade of any noise sensitive premises, does not exceed the background noise level (measured as LA90,T).

Reason: To protect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

9 Unexpected Contamination:

In the event that any contamination is found at any time when carrying out the approved development that was not previously identified then no further development shall take place and the nature of the contamination shall be reported in writing to the Local Planning Authority within 2 working days. An investigation and risk assessment of the contamination shall be undertaken in accordance with the requirements of condition 6 parts (i) and (ii). Where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of condition 6 part (iii) and shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report shall be prepared in accordance with condition 6 part (v) and submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

10 Lighting:

The development hereby approved shall not be brought into use until a strategy for the exterior lighting of the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the lighting, location, lux, hours of operation, details of light spillage and details of shielding to neighbouring properties. The details approved shall be implemented prior to the commencement of use of the development hereby permitted and shall thereafter be retained as such for the duration of the permitted use.

Reason: To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

11 Supervised destructive measures

The development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all

destructive works to the roof of the building(s) and associated structures to be demolished/affected. All roofing material shall be removed carefully by hand. Appropriate precautions must be taken in case bats are found, including a toolbox talk and the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately and Natural England and the Local Planning Authority notified in writing. Any subsequent recommendations or remedial works shall be implemented within the timescales agreed between the bat worker and the Local Planning Authority and Natural England. Notwithstanding any requirement for remedial work or otherwise, a report summarising the findings of the qualified bat worker shall be submitted to the Local Planning Authority within 1 month following completion of the supervised works and is subject to approval in writing by the Local Planning Authority.

Reason: To ensure that protected species are not harmed by the development.

12 Biodiversity measures:

The development hereby permitted shall not commence above floor slab level until a detailed schedule of habitat and species enhancement measures to result in a biodiversity net gain (to include location of measures, installation timescale, timing of works, species lists for proposed planting, and long-term management plan for features where applicable) has been submitted to and approved in writing by the Local Planning Authority. Such measures shall also be shown on all applicable annotated site plans and elevations. Such approved measures shall thereafter be implemented in full, retained, and maintained in strict accordance with the approved details in perpetuity.

Reason: To enhance the nature conservation value of the site and ensure biodiversity net gain in accordance with the NPPF.

13 Nesting birds:

The development hereby permitted shall either:

- a. Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
- b. Not commence until a qualified ecologist has been appointed by the applicant to inspect the buildings and any vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

Reason: To ensure that protected species are not harmed by the development.

14 Highway access

The accesses to the site for vehicles shall not be used unless public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority.

Reason: To ensure a satisfactory standard of development in the interests of highway safety and amenity.

15 Parking and cycle spaces

The development shall not be occupied until space has been provided within the site for the parking of cars and cycles as indicated on submitted plan number 221031-102 (E).

Reason: To ensure a satisfactory standard of development in the interests of highway safety and amenity.

16 Soft landscaping:

The soft landscaping scheme as indicated on approved drawing number 01 Rev G shall be carried out no later than the first planting and seeding seasons following the development first being brought into use. Any trees, hedgerows or shrubs 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, trees and shrubs 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 and in the interests of biodiversity, in accordance with Policies BE1, BE3, NE3 and NE4 of the Warwick District Local Plan 2011-2029.

17 Finished Floor Levels:

No development shall be carried out above slab level until details of the finished floor levels of all buildings and structures, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details.

Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of visual and residential amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
