

Planning Committee: 05 April 2006

Item Number: 02

Application No: W 05 / 2054

Registration Date: 16/12/05

Town/Parish Council:

Expiry Date: 10/02/06

Case Officer: Martin Haslett
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**Land including and to south east of, Talisman Square, Kenilworth, CV8
1JB**

Erection of a convenience goods store; refurbishment/extension of part of
Talisman Square Shopping Centre for retail/residential, car parking & access
FOR Cobalt Estates Ltd

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Members welcomed the revised application which resolved many of their concerns and had no objections to the new site.

They expressed CONCERN over the following matters that were considered to be essential prerequisites to the success of the scheme:

1. Subject to full consultation, agreement was required on a fully comprehensive traffic management scheme that encompassed both the store and the areas of the town affected by the full development plans.
2. Landscaping provision for Harger Mews and Bertie Road to be enhanced and the design of the wall to the south of the development to be re-examined.
3. Conditions are required on both delivery times and service vehicle access routes.
4. All lighting provision to be re-examined for adequacy and efficiency.
5. Whilst the route over Abbey End car park road did not require planning permission or adoption it should be treated as if it does, including the full consultation process.
6. The design of the two storey car park to be reconsidered particularly in regard to the lower level to improve ingress, circulation and egress. Features should also be incorporated to minimize the vulnerability of users and minimize misuse in the silent hours.
7. In respect of the proposed design criteria for the new traffic management system, in the interests of the regeneration of the town and the success of the proposed developments it is felt essential that there should be a safe and welcoming link between Talisman Square, Station Road and into Abbey End for pedestrians and shoppers.
 - a. Talisman Square car park will not itself be big enough to serve Waitrose and the redeveloped square, so Abbey End will become the overflow car park. This will result in a constant flow of shoppers

and Waitrose shopping trolleys crossing Station Road between the two car parks.

b.. Warwick District Council (WDC) and Kenilworth Town Council wish to "create an area of pedestrian friendliness in the town stretching from Abbey End to Talisman Square," as suggested in Proposal 8 put forward by WDC in April 2004. We believe that the creation of a pedestrian friendly area in Station Road will be an advantage to the new development and would provide a safe and friendly access

8. It is further essential that the road through Abbey End car park should be as safe as possible for pedestrians.

a. The road through the car park will inevitably carry increased traffic including HGVs to and from Talisman Square. Although the road will be upgraded, it will not conform to adoptable highway standards.

b. The traffic management system should attempt to minimise the increase in traffic through Abbey End car park in order to provide a safe and welcoming environment for pedestrians and shoppers.

9. It is desirable for the long term future of the Town and the success of the new developments that a balance be struck between the needs of shoppers and the residents of the streets leading to the town centre

10. There should be consideration of the effects of decriminalization of parking. '

Members COMMENTED that they regretted that the opportunity had not been taken to provide a canopy in Talisman Square/Place.

Although they had been advised that the public toilet facilities being removed would be replaced in some format they sought formal confirmation that this would occur.

Neighbours: 12 letters of objection on grounds of :

- much concern over traffic arrangements and the fact that the County Council's traffic plan is not yet finalised;
- concern over parking in local roads and especially parking for local residents, a residents' parking scheme is suggested, (although one already exists);
- concern over noise from delivery vehicles as they cross the Abbey End car park, and the impact they would have on adjoining residents;
- concern over increased traffic in the roads leading to the store;
- concern over the size of the store, its poor design and its dominating appearance, the use of a flat roof and the unsuitable design in relation to the area;
- fears about the impact of the scheme on existing landscaping, trees and grassed should be retained, mature planting should be used for landscaping schemes
- concern over security of adjoining properties and of the car park, particularly at night;

- replacement public toilets poorly positioned;
- much concern over the possibility that the supermarket might be open 24 hours a day, which would cause additional trouble for local residents, in terms of traffic, noise and disturbance.

There is one letter of support.

Residents of Central Kenilworth: concern expressed on the following issues:

- design, particularly of the service road and the pedestrian access over it;
- insufficient car parking;
- hours of operation of the store and fears about 24 hour trading;
- lack of provision for staff parking;
- concern that the current ban on HGVs over night in the Abbey End car park should be maintained;
- concern over the County Council's road proposals which may result from the application;
- concern that police should be involved in the consideration.

WCC (Highways): no objections subject to conditions relating to access and car parking and to a Section 106 agreement relating to the traffic management measures that will be required. The Highway Authority further point out the following:-

Condition numbers 2,3,5 & 6 require works to be carried out within the limits of the public highway. The applicant must enter into a Highway Works Agreement made under the provisions of Section 278 of the Highways Act 1980 for the purposes of completing the works. Applicants should note that feasibility drawings of works to be carried out within the limits of the public highway which may be approved by the grant of this planning permission should *not* be construed as drawings approved by the Highway Authority, but they should be considered as drawings indicating the principles of the works on which more detailed drawings shall be based for the purposes of completing an agreement under Section 278.

The highway implications of this scheme have been investigated and discussed at length with the applicant. We are now in agreement that a traffic management system based on the drawing submitted as part of this application would be the most suitable solution. Therefore, the Highway Authority will require the applicant to enter into a suitably worded Section 106 Agreement. The agreement will require the applicant to fund the design, consultation and implementation of the traffic management system, in accordance with the submitted drawing number sp237/10 or similar approved scheme, including relevant work required for the requisite Traffic Regulation Orders. It should be noted that it would not be appropriate for the Highway Authority to contribute towards a highway scheme for a commercial development. Therefore, the agreement will need to include a sum to act as

contingency to cover the cost of mitigating the highway impact, should the proposed scheme not go ahead for any reason.

The Section 106 agreement will also secure a Green Travel Plan to be submitted by the applicant covering the new food store and the amended properties subject to this application.

WCC(Footpaths): no objection to the amended route of the footpath (through Talisman Square).

WCC(Archaeology): no objection, subject to a programme of archaeological work.

WCC(Fire and Rescue): no objection subject to water supply.

Environmental Health Officer: no objection, subject to conditions on noise attenuation measures, hours of use of the service area, noise control measures (including switching off of reversing signals and refrigerator motors) for the service area, and details of boundary treatment to control noise.

Ramblers' Assoc: concern that new proposed route for footpath is less direct than existing one;

Kenilworth Society: support proposal, subject to the satisfactory resolution of traffic and parking issues and adequate provision for delivery vehicles. The plans are regarded as a significant improvement over those previously passed.

Cllr. Mrs Blacklock has expressed concern at the possibility of 24 hour trading at the new supermarket.

RELEVANT POLICIES

- DP6 - Access (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) S3 - Additional Retail Development in Town Centres (Warwick District Local Plan 1995)
- (DW) S1 - Protection and Development of Town Centres (Warwick District Local Plan 1995)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District 1996 - 2011 Revised Deposit Version)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- UAP3 - Directing New Retail Development (Warwick District 1996 - 2011 Revised Deposit Version)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

- TCP2 - Directing Retail Development (Warwick District 1996 - 2011 Revised Deposit Version)
- Warwickshire Structure Plan 1996-2011- Policy TC2- Hierarchy of Town Centres
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

PLANNING HISTORY

Talisman Square was built in the 1960s and retains its original design. There have been applications for shopfronts and signs, but, apart from some minor extensions, comparatively little building work has taken place since the original construction.

In 1995 an application (W950666) for a new supermarket attached to the rear of the square, together with improvements to the shopping centre was refused (and dismissed on appeal). Subsequently, an amended application (W960820) was refused, but allowed on appeal. No action was taken towards implementing that planning permission, which has now expired. Ownership of the property has since changed.

In 2004 the Committee gave consideration to a report on a supermarket fronting Bertie Road and resolved to grant permission subject to conditions and to a legal agreement to ensure the relocation of the youth centre, travel plans for staff, the financing of Traffic Regulation Orders (and associated signing, engineering and environmental improvement works) and delivery and service vehicle routing. This was application W03/1259.

The Council was in a unique position in relation to the proposal in that they controlled the only acceptable access for service vehicles into the site, which is over the Abbey End car park. This enabled the Council to reach an agreement with the applicants that the developer would spend one year after the grant of the first planning permission to pursue a second scheme, which the Council considered to be better than the first scheme. This second scheme involved moving the supermarket off the Bertie Road frontage and placing it closer to the Talisman Square shopping centre. This would have a number of advantages: it would reduce the visual impact on Bertie Road; it would ensure that the building is largely within the allocated shopping area and would resolve the issue of service vehicle/ deliveries which would have been close to the rear of properties in Harger Mews.

This current application is for the second scheme and has been made in advance of the grant of the first permission for the first scheme, which still awaits a legal agreement and has therefore not been issued. The current scheme is therefore made in advance of the required timetable.

KEY ISSUES

The Site and its Location

The site includes the whole of the existing car park serving Talisman Square, the southern and eastern parts of the Talisman Square shopping centre (which were not included in the W03/1260 which accompanied application W03/1259) but including the public toilets and existing pathway through to the car park. Also included is the site of the existing Youth Centre in Bertie Road, owned by the County Council. The site adjoins the existing modern shops at Millers Court and the existing residential development in Bertie Road, where there is sheltered accommodation on the other side of the road. The land adjoins the rear of shops and a public house in Warwick Road and the rear of recently built houses in Harger Mews.

Details of the Development

The application includes two separate developments- the extension and refurbishment of the southern part of Talisman Square, which is the same as in the previous application and the new plans for the supermarket. The supermarket plans are very different from those previously considered. The site for the store has been moved 42m back from the frontage of Bertie Road and would now be situated in the rectangle formed by the rear of the existing shops in the southern part of Talisman Square, the shops and public house fronting Warwick Road and the rear of properties in Harger Mews (an extension to Harger Court).

The space 'created' at the front of the site, onto Bertie Road, would be used for car parking, with a 3.5m deep planting belt fronting Bertie Road. The car parking would consist of 136 spaces at surface level (slightly above the present car park level) with a further 160 spaces below ground, accessed from within the car park. Space is also made available for a 3m planting strip along the boundary with the existing houses in Bertie Road.

The foodstore has been redesigned from the previous application, both in terms of its plan and elevations. The store would now have a footprint of about 52m by 57m and would be, for the most part, single storey. The design is modern in styling, with walls principally of white composite coated metal cladding, with glass shopfront on the entrance elevation. The roof would be flat, with a limited first floor, used to accommodate offices and staff facilities.

The public vehicular access to the site would be taken from Bertie Road, in a position similar to the previous scheme, but this would only serve the car park. Service access would be from the Abbey End car park across Station Road, leading to a service yard behind the store, but now removed from the Harger Mews boundary.

The second part of the proposal relates to the extension and refurbishment of the southern part of Talisman Square, which is the same as that previously considered. The northern part of the Square was dealt with in a separate application which has been granted previously, without the need for a legal agreement. The works currently proposed include a small extension of the

shops into the central courtyard and the formation of a walkway through to the supermarket, flanked by new kiosks. A new glazed canopy would be provided to match the one on the other side of the square. The upper floors of Cobalt House (on the south side of Talisman Square) would be converted to form 9 flats. Parking for the flats would be provided between the supermarket and Harger Mews. On the east side of the Square (Talisman House) the existing shops would remain.

Assessment

It is necessary to examine the ways in which the proposal would differ from those approved earlier and the ways in which the scheme addresses the difficulties of the previous one. The principal issues examined previously were service access, disturbance from the service area and the visual impact of the store (particularly on the adjoining properties in Bertie Road).

The route of the service access across the Abbey End car park and into the site along the existing service road is unchanged from the previous scheme. The current proposal shares with its predecessor the disadvantage that pedestrians from Talisman Square will need to pass over the service access in order to use the supermarket. There are no opportunities to overcome this issue, but a pedestrian priority crossing would be created to allow for pedestrian safety.

There was considerable concern in the previous application about the location of the service yard immediately to the rear of the dwellings in Harger Mews. This arrangement caused some concern to the Environmental Health Officer who required a number of conditions to be imposed so as to regulate the situation. The new location of the service yard is a very considerable improvement, with it having been moved away from the residential boundary, with some landscaping introduced to the rear of Harger Mews.

The third issue related to the visual impact of the new store. Fronted on Bertie Road, this building would have had a considerable visual impact, alongside the two storey semi-detached houses in the road. The current proposal to move the store further back into the site will overcome this problem and give some opportunities for landscaping along the Bertie Road frontage and along the side boundary with the final house in Bertie Road. This will be a very welcome improvement.

Other issues addressed in the previous report were those of planning policy and the relocation of the youth centre. The issues of planning policy are to a large extent superseded by the grant of the previous permission, but it is important to note that the store is now more closely related to the allocated shopping area in the current Warwick District Local Plan (although still partially outside of it). The site of the youth centre side is still required by the current scheme, in this case for car parking. It was always clear that no grant of permission could be considered without the replacement of the youth club and this issue is being included in the legal agreement. The current

application is accompanied by one to create a new youth centre at 20 Southbank Road, a report on which appears elsewhere in this agenda.

Considerable local concern has been expressed over the likely highway works which will be needed off-site in order to accommodate the additional traffic and some neighbours are concerned that these details have not been finalised in advance of the planning application being considered. However, this is the correct procedure, so long as the County Council, as Highway Authority, is certain that the traffic can be accommodated on the roads, the precise details of how this is to be done should not form part of the planning application. In this case, the highway authority is satisfied that the traffic can be accommodated.

There is also local concern that the supermarket might be open 24 hours a day. It is, in certain circumstances, possible to restrict the opening hours of shops if it can be shown that clear harm would result from the trading hours. However, in this case, there is no support from the Environmental Health Officer for such a condition and it would be difficult to see how it could be defended at appeal, given the location of the store in a town centre. (The resolution to grant permission for the supermarket under W03/1259 contained no such condition).

Concern has also been expressed about the additional noise from service vehicles crossing the Abbey End car park- a route which was approved under the previous scheme. Advice from the Environmental Health Officer is that this additional noise would not be so significant as to merit reconsideration of the routing.

Conclusion

It is important to appreciate that a decision to grant planning permission is not an assertion that the scheme under consideration is the 'best', simply that it is an acceptable one. It may be that there are several 'acceptable' schemes, and each of these, if put forward, should be granted planning permission. This was the case when the Committee considered the previous application, but the unusual circumstances of control over the service access meant that the Council could require the applicants to consider an alternative scheme. There is no doubt in my mind that the scheme presented now is the preferable one.

RECOMMENDATION

GRANT, subject to the conditions listed below, after completion of a legal agreement to ensure the relocation of the youth centre, green travel plans for staff and the financing of Traffic Regulation Orders (and associated signing, engineering and environmental improvement works):

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 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 constructional 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 ENV3 of the Warwick District Local Plan.
- 3 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 Policy ENV3 of the Warwick District Local Plan.
- 4 With regard to the proposals for the supermarket, no development shall be carried out on the site which is the subject of this permission, until large scale details of the doors and windows have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of the area, in accordance with policy DW ENV 3 of the Warwick District Local Plan, 1995.
- 5 The car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 No development shall be carried out on the site which is the subject of this permission, until full details of the means of foul and surface water drainage have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that proper provision is made, in accordance with policy ENV3 of the Warwick District Local Plan, 1995.
- 7 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority.

REASON : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan.

- 8 No development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, including the finished floor levels of the building and sections through the site between 33 Bertie Road and the junction of Bertie Road and Station Road have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 9 No development shall be carried out on the site which is the subject of this permission, until details of a fume extraction system to serve any cooking or baking units in the supermarket have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 10 No lighting shall be fixed to the external walls or roof of the building hereby permitted, 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 Policy ENV3 of the Warwick District Local Plan.
- 11 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 0133/P56'G', P57'G', P75, P76, P77, P80, P100, P101, P102, P103, and P104, and specification contained therein, submitted on 16 December 2005, 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 Local Plan Policy ENV3.
- 12 No development shall be carried out on the site which is the subject of this permission, until details of noise attenuation measures to be carried out to external plant have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** To protect the amenity of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan, 1995.
- 13 No development shall be carried out on the site which is the subject of this permission, until details of measures to mitigate noise levels from activities within the service area have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** To

protect the amenity of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan, 1995.

- 14 The use of the service area for the supermarket shall be limited to 0700 hours to 2130 hours weekdays and Saturdays and 09.00 hours to 1830 hours Sundays. **REASON** :To protect the amenity of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan, 1995.
- 15 In order to ensure that noise levels from service vehicles does not cause disturbance, the following measures shall be implemented:
 - a) All vehicle reversing alarms shall be switched off when in service area ,
 - b) All refrigeration plant to lorry trailers shall be switched off when in service area.**REASON** :To protect the amenity of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan, 1995.
- 16 Before the development hereby permitted is occupied, screenwalls shall be erected in full accordance with detailed plans to be approved in writing by the District Planning Authority and these shall thereafter be maintained in the positions shown unless otherwise agreed in writing by the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 17 With regard to the proposals for the refurbishment of the Talisman Square shopping centre, no development shall be carried out on the site which is the subject of this permission, until details of the doors, windows and glazed canopy have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** :To protect the amenity of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan, 1995.
- 18 No mezzanine floors shall be installed in the supermarket building.
REASON : Substantial additional floorspace would be contrary to shopping policy as set out in the Warwickshire Structure Plan 1996-2011, and the Warwick District Local Plan, 1995 and would generate the need for additional car parking.
- 19 No more than one vehicular access shall be made to the site from Station Road, Warwick Road or Bertie Road. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 20 The development hereby permitted shall not be occupied unless vehicular access is available for all to the car park serving the development from the public highway, Warwick Road. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 21 The use of the site hereby permitted for retail and residential purposes shall not commence until all parts of existing accesses to the public highway, not included in the proposed means of access, have been permanently closed and the public highway features, including the footway, verge and kerb line have been reinstated in accordance with details approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 22 The gradient of the vehicular accesses into the site shall not be steeper at any point than 1 in 20 for a distance of 30m into the site, as measured from the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 23 The development hereby permitted shall not be occupied until the vehicular accesses serving the site have been laid out and constructed to the satisfaction of the District Planning Authority in accordance with the requirements and general specifications of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 24 Obstructions, including gates and barriers, shall not be placed within the vehicular accesses to the site. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 25 The vehicular accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or to permit surface water to run off the site onto the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 26 The vehicular accesses to the site shall not be used until visibility splays and pedestrian visibility splays have been provided in accordance with details to be submitted to and approved in writing by the District Planning Authority in consultation with the highway Authority. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so approved. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 27 The site shall not be used for the purposes hereby permitted unless there is available vehicular turning spaces within the site so that all vehicles are able to enter and leave the public highway in a forward gear. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 28 No development shall be carried out on the site which is the subject of this

permission until details of satisfactory service access have been submitted to and approved by the District Planning Authority. All HGV's accessing or egressing the site, whether service or delivery vehicles, shall be routed via the District Council's Abbey End car park and the direct access to the proposed development from the public highway Station Road. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 29 The site shall not be used for the purposes hereby permitted until space is provided within the site for the parking of vehicles, together with the loading and unloading of service and delivery vehicles, and adequate provision is made within the site for the circulation of vehicles, including turning into and out of accesses and ramps, in accordance with details to be submitted to and approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 30 The development hereby permitted shall not commence or continue until and unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of construction vehicles using the site and to clean the public highway of such material, all in accordance with details approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 31 The verge crossings shall not be used for vehicular access unless they have been laid out and constructed to the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 32 The development hereby permitted shall not be occupied before the vehicular accesses serving the site have been surfaced with bound materials to the approval of the District Planning Authority and in such a manner that extraneous material is not spread onto the public highway by the wheels of vehicles leaving the site. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 33 Notwithstanding the Town and Country Planning (Use Classes) Order, 1987 (or any order revoking and re-enacting that Order, with or without modification) the new supermarket hereby permitted shall be used for the sale of food or other convenience goods, notwithstanding the ancillary use of up to 15% of the net floor area for the sale of other goods. **REASON** : To protect the viability and vitality of the town centre, in accordance with Warwickshire Structure Plan policy TC2.
- 34 The shared access from Warwick Road is for access to the residential parking. This route shall be physically separated from the Service Area so as not to encourage through traffic. Treatment will also be required to

discourage pedestrian access to the site from this point. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 35 The development shall not be occupied unless the car park is fully available. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 36 The development shall not be occupied until the vehicular accesses proposed are completed. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the proposals take account of the need to promote a vital and viable town centre, they respect the scale and character of the surrounding buildings and properly deal with issues of servicing and car parking. The development achieves acceptable standards of layout and design and does not give rise to any harmful effects which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.