

Planning Committee: 24 May 2016

Item Number: 8

Application No: [W 16 / 0482](#)

Town/Parish Council: Leamington Spa

Case Officer:

Rob Young

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Registration Date: 01/04/16

Expiry Date: 01/07/16

**Former Dairy Crest Depot, Quarry Street, Milverton, Leamington Spa,
CV32 6AU**

Demolition of existing industrial buildings (Use Class B8); erection of 18 no. dwellings and change to the existing access. FOR Dairy Crest Limited

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the completion of a satisfactory section 106 agreement. Should a satisfactory section 106 agreement not have been completed by 1 July 2016, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The application proposes the demolition of the existing buildings and the erection of 18 dwellings. The development will be arranged in two terraces, one facing onto Old Milverton Road and the other facing onto the Quarry Street and the side boundary of the existing dwelling at the end of Quarry Street. Each terrace would front onto a communal car park, accessed from the existing vehicular accesses from Old Milverton Road and Quarry Street respectively.

A total of 36 parking spaces are proposed. Of these, 22 would be accessed from Quarry Street, while 14 would be accessed from Old Milverton Road.

The development comprises 4 no. 2 bedroom houses, 10 no. 3 bedroom houses and 4 no. 4 bedroom houses. Seven of the houses are proposed to be affordable. The proposed houses are two storey with an additional floor of accommodation in the roofspace of some of the dwellings.

The applicant has agreed to enter into a section 106 agreement to secure the following:

- provision of 7 no. units of affordable housing;

- a contribution of £33,912 towards public open space;
- a contribution of £18,713.70 towards hospitals;
- a contribution of £967.14 towards outdoor sports facilities;
- a contribution of £15,357.24 towards indoor sports facilities;
- a contribution of the lesser of £30,000 or 1% of total financial contributions towards section 106 monitoring costs; and
- a contribution of £1,350 towards sustainability packs.

THE SITE AND ITS LOCATION

The application relates to the former Dairy Crest site that is situated at the northern end of Quarry Street and to the western side of Old Milverton Road. The site is currently vacant and was last used as a dairy. The existing buildings on the site are industrial in design and appearance. The remainder of the site is largely covered by areas of hardstanding.

There are two vehicular accesses into the site, one from Old Milverton Road and the other from Quarry Street. The site is situated within a predominantly residential area, with dwellings adjoining the site to the north and south and facing the site from the opposite side of Old Milverton Road to the east. There is also a small local shop facing the site from the opposite side of Old Milverton Road. The western boundary of the site adjoins the yard of a builder's merchants.

PLANNING HISTORY

There have been a number of previous planning applications associated with the former use of the site as a dairy. However, none of these are relevant to the consideration of the current proposals.

A recent application for a redevelopment for residential purposes was withdrawn (Ref. W15/1694).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- 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)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)

SUMMARY OF REPRESENTATIONS

Town Council: The proposed accesses on to Quarry Street and Old Milverton Road will adversely impact on highway safety by increasing the volume of traffic and causing parking and access issues.

Public response: 13 objections have been received, raising the following concerns:

- increased traffic congestion;
- detrimental to highway safety;
- there is already severe traffic congestion on Quarry Street due to parked cars limiting the width to single file traffic and there being no turning head;
- the junction of Quarry Street with Rugby Road is restricted and dangerous;
- the access onto Quarry Street has not been used in recent times and consequently the proposals would represent a worsening of the existing traffic situation in Quarry Street;
- concerns that the layout allows for a future development on land to the west to also be accessed via Quarry Street;
- there is already severe traffic congestion on Old Milverton Road;
- some objectors consider that the sole means of vehicular access should be from Old Milverton Road;
- construction traffic should be banned from Quarry Street;
- a condition should be imposed restricting hours of construction work;
- overdevelopment;

- a density of 50 dwellings per hectare is too high and contrary to the Local Plan and in excess of the established density of development in the locality;
- an elderly care centre would be a better use for this site;
- the parking provision is inadequate;
- loss of on-street parking;
- parking on surrounding streets is limited and the development will make this worse;
- the provision for the storage of refuse and recycling is inadequate;
- detrimental to the character and appearance of the area;
- the proposed houses are too high;
- the modern design of the houses is not in keeping with the traditional character of the locality;
- loss of privacy;
- loss of outlook;
- loss of light;
- increased noise and disturbance;
- adverse impact on the local shop in Old Milverton Road due to the impact on parking on-street; and
- there should be a more substantial wall to the rear of the houses on Bankfield Drive.

Cllr Grainger: Objects due to concerns about increased traffic on Quarry Street.

Cllr Gifford: Objects on the following grounds:

- concerns about the impact on traffic and parking;
- the density of the development is too high for this location; and
- this density contravenes the Local Plan, which envisages densities closer to 35 dwellings per hectare for a suburban area rather than the 50 proposed here.

Cllr Quinney: Objects on the following grounds:

- concerns about increased traffic on Quarry Street;
- the only vehicular access to the proposed development should be onto Old Milverton Road;
- the existing traffic levels quoted in the Transport Statement are unrealistically low;
- the proposed layout allows for access into the adjacent Jewsons land, and a further residential development using the same means of access would make traffic issues even worse on Quarry Street;
- increased air pollution due to queuing traffic on Quarry Street;
- overdevelopment with limited green space;
- suggest that parking should be provided underground, to allow for more green space;
- the housing mix is not in accordance with the Council's guidance due to the lack of 1-2 bedroomed dwellings;
- design not in keeping with locality;
- an improved walking / cycling route should be provided through the site between Quarry Street and Old Milverton Road; and
- construction traffic should be banned from Quarry Street.

WCC Ecology: No objection, subject to conditions and informative notes.

WCC Highways: No objection, subject to conditions and section 106 requirements.

WCC Landscape: The applicant should submit full landscape proposals.

WCC Archaeology: No comment.

WCC Infrastructure: Request a contribution of £1,350 towards sustainable welcome packs. No contribution requested in relation to education because there are sufficient school places in the local area. No contribution requested in relation to libraries because the site is under the 25 dwellings threshold.

WDC Housing Strategy: Set out requirements for the size, tenure and type of affordable housing units. Advise that amendments will be required to meet these requirements.

WDC Green Space Manager: Requests a contribution of £33,912 towards the provision or enhancement of public open space.

WDC Environmental Health: No objection, subject to conditions.

ASSESSMENT

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

- loss of employment land and the principle of development;
- impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants of the proposed development;
- impact on the character and appearance of the area;
- car parking and highway safety;
- affordable housing and section 106 contributions;
- ecological impact; and
- health and wellbeing.

Loss of employment land and the principle of development

The existing premises comprise employment land to which Local Plan Policy SC2 applies. This states that redevelopment or change of use of existing and committed employment land and buildings for other uses will not be permitted unless one of 4 criteria are met. The key criterion in this case is (a), which refers to circumstances where the location and / or nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses, and an applicant can demonstrate that it would not be desirable to seek to replace this with any other employment use.

The application site is situated within a predominantly residential area and is closely adjoined by dwellings. Furthermore, the access routes to the site pass

along residential streets where dwellings immediately abut the street. As a result it is clear that this is the type of site that criterion (a) is aimed at. The use of this site for any form of industrial or warehousing development is likely to have an unacceptable adverse impact upon adjacent residential uses. Furthermore, whilst an office development may have less of an impact, this is not the type of location where an office development would be viable. Therefore it has been concluded that the proposals are in accordance with Local Plan Policy SC2.

The proposals must also be assessed against Local Plan Policy UAP1 to determine whether this is a suitable site for residential development, in principle. Policy UAP1 is generally permissive of residential development on previously developed land within the urban area. The site falls within this category and therefore the proposals would be in accordance with Local Plan Policy UAP1.

Impact on the living conditions of neighbouring dwellings

The proposals comply with the Council's Distance Separation Guidelines in relation to all surrounding dwellings. There would be a technical infringement of the 45-Degree Guideline in relation to the existing dwelling at No. 61 Quarry Street. However, this infringement would occur at a distance of at least 9m from the affected window and there is already a very tall wall on the site boundary alongside No. 61. Furthermore, this part of the development is to the north of No. 61 and so will not have any impact on sunlight. There are also windows in the side elevation of No. 61 that face the application site. However, these would not face directly onto the proposed dwellings. All things considered it has been concluded that the development will not cause unacceptable loss of light or loss of outlook for neighbouring dwellings.

With regard to privacy, balconies that were a cause for concern on a previous iteration of the scheme have now been removed. Therefore, as the proposals comply with the Distance Separation Guidelines, it has been concluded that the proposals would not cause unacceptable loss of privacy for neighbouring dwellings.

In terms of noise and disturbance, there has been no objection from the Council's Environmental Health Officer. Noise from on-site activities and vehicular movements associated with 18 dwellings are unlikely to be materially worse than could have resulted from the previous dairy use. Therefore it has been concluded that the proposals would not cause unacceptable noise and disturbance for neighbouring dwellings.

A number of objectors have raised concerns about construction noise and construction traffic. Environmental Health and the Highway Authority have recommended a condition to require the submission of a Construction Management Plan. This will ensure that adequate controls are put in place to address these issues.

For the above reasons it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

Provision of a satisfactory living environment for future occupants of the proposed development

Whilst the redevelopment of this commercial site will remove one potential source of noise from the locality, benefiting adjacent residents, there are other sources of noise in the area that might affect future occupants of the proposed development. This includes traffic noise from Old Milverton Road and activities in the adjacent builder's merchant which has a large open yard. In considering this issue, it is important to bear in mind that there are existing dwellings in close proximity to those noise sources who have not, to date, made complaints regarding noise. Environmental Health have considered the noise assessment that was submitted with the application and have raised no objection to the principle of development, but have requested a condition to require a noise mitigation scheme to be submitted for approval. Therefore, subject to this condition, it has been concluded that the proposals would provide a satisfactory living environment for future occupants.

Impact on the character and appearance of the area

The design of the previous withdrawn scheme was not considered to be in keeping with the character and appearance of the area. This has now been changed to show a design and scale that is more in keeping with existing dwellings in the locality. At two storeys in height the proposed dwellings would be of a similar scale to surrounding dwellings. Furthermore, the elevations reflect the pattern of fenestration found on existing dwellings. In terms of the layout of the development, this is in keeping with the established pattern of development in the area.

For the above reasons, it has been concluded that the proposals would have an acceptable impact on the character and appearance of the area. In comparison with the utilitarian and industrial appearance of the existing buildings, the proposals would represent a significant improvement.

Car parking and highway safety

In terms of car parking, the proposed layout shows a total of 36 spaces. The Council's Parking Standards require a total of 34 spaces. Given the parking concerns that have been raised by neighbours, it is considered appropriate to allow for a parking provision in excess of the Standards in this case.

Objectors have suggested that the proposed development will result in a reduction in the number of on-street parking spaces adjacent to the site in Old Milverton Road. However, the existing parking layby adjacent to the site access on Old Milverton Road will retain its existing capacity of 4 cars. Whilst it is evident that parking currently extends across the front of the site access, this is not a formal arrangement and could end at any time if the site were brought back into use as a dairy or some other similar commercial use. As a result, this would not represent a loss of on-street parking.

Turning to highway safety, further information has been submitted to address issues raised by the Highway Authority in relation to the previous withdrawn scheme. As a result the Highway Authority have raised no objection to this revised scheme. Therefore the proposals are considered to be acceptable from a highway safety point of view.

One of the main concerns of objectors in relation to highway safety is the use of Quarry Street as an access to the development. Many objectors have suggested that the sole means of access to the development should be from Old Milverton Road, although other objectors have raised concerns about the impact of traffic on that road.

In considering this point, it is important to bear in mind that there is an established vehicular access into the site from Quarry Street. This was used when the site operated as a dairy and this would have impacted on Quarry Street in terms of traffic. While the site is now vacant, it could be re-opened as a dairy or another similar commercial use without planning permission, using the existing access onto Quarry Street. In this context it is not considered reasonable to prohibit the developer from using the existing Quarry Street access. The Highway Authority have considered the proposed access arrangements and have raised no objection on highway safety grounds. Consequently there are no grounds for prohibiting the use of the existing Quarry Street access. It is also important to note that the development may generate some highway safety benefits in terms of providing a turning head at the end of Quarry Street.

Objectors have also raised concerns about potential access through the site from Quarry Street to a future development on land to the rear of Jewsons. However this does not form part of the current proposals and consequently it cannot be a reason for refusing the current application. If such a proposal were to be put forward in the future the Council would be able to refuse planning permission for such a scheme if it was judged to have a harmful traffic impact on Quarry Street.

Affordable housing and section 106 contributions

The applicant has agreed to enter into a section 106 agreement to secure the following:

- provision of 7 no. units of affordable housing;
- a contribution of £33,912 towards public open space;
- a contribution of £18,713.70 towards hospitals;
- a contribution of £967.14 towards outdoor sports facilities;
- a contribution of £15,357.24 towards indoor sports facilities;
- a contribution of the lesser of £30,000 or 1% of total financial contributions towards section 106 monitoring costs; and
- a contribution of £1,350 towards sustainability packs.

The proposed affordable housing provision has been amended to comply with the comments of the Council's Housing Strategy Team. The provision is now in accordance with Local Plan Policy SC11.

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that these contributions will adequately mitigate the impact of the development on these services. The local education authority have advised that there is adequate capacity in local schools and therefore an education contribution is not required in this case.

It is considered that the above section 106 provisions meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, i.e. they are considered necessary to make the development acceptable in planning terms, they are directly related to the development, and they are fairly and reasonably related to the development in scale and kind. Furthermore the pooling restrictions in Regulation 123 are not breached.

Ecological impact

An Ecological Appraisal and Bat Survey were submitted with the application. WCC Ecology have accepted the findings of the appraisal and survey and have advised that the proposals would have an acceptable ecological impact, provided conditions are put in place to impose certain safeguards.

Health and Well-being

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being.

Other Matters

With regard to contamination, a site investigation report was submitted with the application. Environmental Health have no objection to the principle of development, but have recommended a condition to require a further site investigation and details of remediation measures to be submitted for approval. Subject to this condition, the proposals are considered to be acceptable from a contamination point of view.

Objectors have raised concerns about air pollution from traffic associated with the development. Environmental Health have recommended a condition to require the submission of Low Emission Strategy. It is considered that this would satisfactorily mitigate the impact of the proposals in relation to air quality.

Objectors have raised concerns about the density of the development and have suggested that this is contrary to the Local Plan. The density of the proposed development is approximately 50 dwellings per hectare whereas objectors suggest that the Local Plan seeks only 30 dwellings per hectare. However, the relevant Local Plan policy (DP5) specifies 30 dwellings per hectare as a *minimum* density. The Local Plan does not specify any maximum limit for densities. This is generally governed by matters such as the ability to provide adequate car parking or a suitable design that is in keeping with the character and appearance of the area. The proposed development has been assessed as being acceptable in

these respects. Consequently the density of the development is considered to be acceptable.

An objector has raised concerns about the adequacy of the refuse and recycling storage provision. However the plans show rear access to each of the proposed dwellings allowing for refuse and recycling to be stored in the rear gardens. The plans also show an area alongside the site entrance on Quarry Street where refuse and recycling can be presented for collection.

The proposed layout includes space for refuse and recycling vehicles to turn within the site. This would be an improvement compared with the existing situation where refuse and recycling vehicles have to reverse into Quarry Street from Rugby Road.

The owner of the shop on the opposite side of Old Milverton Road has raised concerns about the impact on their business due to a loss of on-street parking. However, as stated in the "Car Parking and Highway Safety" section of this report, there would be no loss of on-street parking as a result of the proposed development. If anything, the development of this currently vacant site should enhance the viability of the shop by bringing in new customers to the area.

The application proposes the installation of solar photovoltaic panels to meet 10% of the predicted energy requirements of the development. This would meet the requirements of Local Plan Policy DP13.

An existing resident in Bankfield Drive has requested a more substantial wall along their boundary for security purposes, given that a rear alleyway is proposed along that boundary. Full details of boundary treatments are not available at this stage; this would be submitted under the proposed landscaping condition. However, the proposed development should not make the rear boundaries of neighbouring properties any less secure because it is proposed that the rear alleyway along that boundary would be gated. Therefore a new wall is unlikely to be justifiable along that boundary, but the landscaping condition will allow the Council to secure an appropriate form of enclosure.

Objectors have raised concerns about the proposed housing mix. However, the proposals are considered to be in accordance with the Council's Housing Mix Guidance. This identifies sites of less than 25 dwellings as "Small Housing Schemes" and sets out the following principles for such sites:

- housing should be provided in preference to flats; and
- the mix of houses should include mainly 2 and 3 bedroom small / medium family homes with gardens.

The proposed mix of market housing comprises 7 no. 3 bedroom units and 4 no. 4 bedroom units. This amounts to 64% small / medium houses with gardens, and this is considered to meet the objectives of the Housing Mix Guidance in terms of securing "mainly" this type of housing.

SUMMARY/CONCLUSION

A redevelopment of this site is considered to be acceptable in principle and in accordance with Local Plan Policy SC2. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings whilst also providing a satisfactory living environment for future occupants. The proposals would have an acceptable impact on the character and appearance of the area and the proposals are considered to be acceptable in terms of car parking and highway safety. Furthermore the proposals are considered to have an acceptable ecological impact. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) QUS-DS-01-GF-DR-A-P002 Rev P4, QUS-DS-01-GF-DR-A-P100 Rev P1, QUS-DS-01-GF-DR-A-P101 Rev P1, QUS-DS-01-GF-DR-A-P102 Rev P3, QUS-DS-01-GF-DR-A-P200 Rev P2, QUS-DS-01-GF-DR-A-P201 Rev P2, QUS-DS-01-GF-DR-A-P202 Rev P2, QUS-DS-01-GF-DR-A-P300 Rev P2, QUS-DS-01-GF-DR-A-P, QUS-DS-01-GF-DR-A-P, and specification contained therein, submitted on 15 March 2016. **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 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **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 DP1 of the Warwick District Local Plan 1996-2011.
- 4 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bird and bat boxes has been submitted to and approved in writing by the local planning authority. The scheme shall include details of box type, location and timing of works. The bird and bat boxes shall be installed in strict accordance with the approved details and shall be retained at all times thereafter. **REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 5 No development shall commence until a detailed lighting scheme for the site has been submitted to and agreed in writing by the local planning

authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
- (b) the brightness of lights should be as low as legally possible;
- (c) lighting should be timed to provide some dark periods; and
- (d) connections to areas important for foraging should contain unlit stretches.

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011.

- 6 No development shall commence until details of the finished floor levels of all buildings, 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 or any subsequently approved amendments. **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 amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 7 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

REASON : To ensure the protection of controlled waters and to prevent pollution in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011.

- 8 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; a construction phasing plan; and a HGV routing 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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

- 9 No development shall commence until details of measures to protect residents of the development from excessive traffic and commercial noise entering habitable rooms or garden areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that occupants of the development are not adversely affected by traffic and commercial noise, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 10 Immediately prior to the commencement of demolition works (on the same day) the interior of the smaller of the two existing buildings on the site and all potential access features in both buildings identified in the Bat Presence/Absence Survey produced by Innovation Group Environmental Services (August 2015) shall be inspected by a suitably qualified bat worker. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works shall be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.
REASON: To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 11 The development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority.
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 DP1 of the Warwick District Local Plan 1996-2011.
- 12 No development shall commence until details of all retaining walls have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the details approved under this condition. **REASON :** For the avoidance of doubt and to ensure a satisfactory design and appearance for the development, in accordance with Local Plan Policy DP1.
- 13 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local

planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 14 The development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 15 The development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012.
- 16 For the duration of construction works no heavy goods vehicles shall enter or leave the site between 0700 hours and 0900 hours or between 1600 hours and 1800 hours on Mondays to Fridays. **REASON :** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.
- 17 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.
- 18 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.





