

Planning Committee: 12 September 2017

Item Number: 6

Application No: [W 17 / 0998](#)

Town/Parish Council: Leamington Spa
Case Officer: Dan Charles

Registration Date: 13/06/17

Expiry Date: 12/09/17

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Elisabeth The Chef Ltd, St Marys Road, Leamington Spa, CV31 1QE

Demolition of existing derelict commercial bakery, perimeter fencing and external hard landscaping for the erection of 40 no. residential units (Use Class C3) to include displacing existing vehicular access and widening entrance from St Mary's Road, new associated parking and landscape works. FOR Stonewater

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

RECOMMENDATION

That planning permission is granted subject to the signing of a Section 106 Agreement.

Should a satisfactory Section 106 Agreement not have been completed by 2 October 2017, 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 proposal is for the demolition of the existing buildings on the site and the erection of two apartment buildings containing a total of 40 flats.

It is proposed to comprise of 16 x 1 bed and 24 x 2 bedroom flats. Each apartment building is to be 3 storey in height.

Car parking is proposed to be located between the two buildings in the centre of the site with additional parking along the eastern boundary of the site for a total of 51 spaces.

The proposal also incorporates the provision of a lockside garden area together with the opening up of the site to the canal corridor with associated canalside landscaping.

THE SITE AND ITS LOCATION

The site currently contains a large, former industrial bakery building with a gross floor space of approximately 2250m². The site has not operated for several years.

The site lies in a prominent corner position on St Marys Road that flanks the western and southern boundary. The site also lies adjacent to the Grand Union Canal that abuts the northern boundary of the site with the canal bridge to the western boundary.

To the east lies a range of commercial buildings together with an existing residential development that is currently under construction. The Royal Leamington Spa Conservation Area boundary runs to the north of the site.

PLANNING HISTORY

None relevant to this proposal.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- 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)
- DS4 - Spatial Strategy (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)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS15 - Comprehensive Development of Strategic Sites (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)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (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)
- TR3 - Transport Improvements (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)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (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)
- Warwickshire Landscape Guidelines SPG

- Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: The Town Council supports a residential redevelopment of this site but wishes to raise an objection on the following grounds:

1. Overdevelopment of the site - this many units in two three storey buildings is inappropriate and would impact on the quality of life of the residents. The blocks themselves are overlarge for the site.
2. Unsympathetic design unrelated to the surrounding canal architecture abutting the Conservation Area.
3. Loss of trees, hedges and other vegetation, and thus important wildlife habitats on the site

The Town Council also notes the amount of parking spaces proposed meets the minimum standard required but would, given the potential number of residents, put extra pressure on surrounding streets should residents have more than the minimum number of cars expected.

Councillor Quinney: The plan to bring this long-disused brownfield site back into use for much needed smaller-sized housing is in principle to be welcomed, but there are several aspects of the proposal which are unsatisfactory from a planning perspective and it should be therefore be refused:

- Inadequate number of 5 'affordable' dwellings proposed is not in accordance with established WDC policy of 40% affordable of which 60% at social rents. The scheme should therefore offer 16 'affordable' of which 10 at social rents.
- Even if the 'vacant building credit' is accepted for the calculation of the 'affordable' housing, it is not acceptable for there to be no social housing whatsoever on the site.
- Unsympathetic design on the edge of the Conservation Area and alongside the canal.
- Excessive loss of canalside vegetation
- Possible further impact on amenity of nearest local residents who will be overlooked and overshadowed by the nearest of the two blocks proposed.

Conservation Advisory Forum: Delighted that there is a proposed development along the canal, regenerating a run-down site, however the design should ensure this is an asset for the town that will set a precedent for other canal-side developments in the area.

CAF recommend that the layout and orientation of the buildings better relate to the canal, possibly to include shapes and curves that maximize the opportunities presented by this unique site. A landscaping scheme should be required, in which cars do not dominate, and which creates an appropriate canalside public realm. Design features associated with canal-side buildings need to be

researched and better incorporated into the proposed scheme; this might include arches over windows and a stronger parapet roof skyline. CAF also advise that the projecting balconies be omitted, as they are an incongruous feature.

Inland Waterways: No objection.

WCC Ecology: No objection subject to conditions.

WCC Highways: No objection subject to conditions.

WDC Green Space: Require a contribution towards local open space improvements.

Canal and River Trust: No objection subject to conditions.

WCC Landscape Planting along canal bank should be native species. Planting should be more extensive throughout the site.

WDC Environmental Sustainability: No objection subject to conditions for contaminated land, noise, low emission strategy and construction management plan.

Lead Local Flood Authority: Require additional drainage details to be submitted.

Public Response: A total of 11 letters of objection received. Comments made;

Parking is already a problem and the proposal will exacerbate this.

Intrusion to neighbours due to height of proposal.

Loss of amenity value due to loss of canal side planting.

Harm to wildlife due to loss of habitats on canal side.

Lack of affordable unit provision.

Loss of privacy and light to properties across the canal due to height of proposal.

Contaminated land must be dealt with appropriately and conditions discharged accordingly.

Units proposed are too small.

No more flats - bungalows would be more appropriate.

Health and Safety issue if existing fence is removed from the site allowing direct access to canal.

Design is poor.

Dominate skyline of the Conservation Area.

ASSESSMENT

Principle of development

Loss of Commercial Use

Local Plan Policy SC2 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 four criteria are met. Criterion (d) is not relevant because it relates to proposed non-housing uses. The other criteria are:

(a) 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; or

(b) the applicant can demonstrate that there are valid reasons why the use of a site for the existing or another employment use is not economically viable; or

(c) the proposal is for affordable housing provided in accordance with the definition contained in policy SC11.

Criterion (c) of Policy SC2 allows for affordable housing schemes to be constructed on employment sites. However, whilst the applicant is a social housing provider, rather than a registered social landlord, the scheme proposed is not 100% affordable housing as defined in the NPPF. Therefore the proposals do not fully comply with the exemption in Criterion (c).

The Council's Employment Land Review in 2013 identified the northern part of the Sydenham Industrial Estate (including the current application site) as being potentially suitable for a housing-led redevelopment. This stated as follows:

"The estate appears tired and has a high level of vacancies, most notably the northern half of the estate. Residential areas adjoin to the north and east. Potential for rationalisation and consolidation of the estate and redevelopment of the northern half of the estate for residential led development".

The proposals outlined in the Employment Land Review have been taken forward in the Emerging Local Plan. Under Policy DS8, paragraph 2.28 states that the Council has undertaken a review of industrial estates within the District and identified certain areas as being less capable of providing the right type or location of employment land to meet future business needs. The Sydenham Industrial Estate is referred to as one such area. In addition to this, the application site is included as a housing allocation under Policy DS11 of the emerging Local Plan.

Significant weight can be attached to the emerging Local Plan at this stage as the final modifications have been agreed and the Plan is now subject to formal adoption on the 20th September. On this basis, the proposals that it contains in relation to the Sydenham Industrial Estate and the current application site in particular do indicate that this area should be considered suitable for a residential redevelopment. The findings of the Employment Land Review are also a material consideration that should inform any assessment against Policy SC2.

Taking all of the above factors into account, and considering the fact that the proposed dwellings would be provided for a social housing provider, it is concluded that the proposals would comply with criterion (b) of policy SC2 as well as partially complying with Criterion (c).

The application site comprises previously developed land within the urban area. Therefore the proposals would be in accordance with Local Plan Policy UAP1.

In considering the principle of development, the application has been balanced against all of the policy considerations together with the benefits that the proposals would generate such as the provision of additional social housing together with formal affordable housing on the site. The development would also significantly improve the character and amenity of the area by providing a suitable use for a current, partially derelict and disused site that has been vacant for a significant period of time.

Having carefully balanced all of the relevant policy considerations including the significant weight to be given to the emerging Local Plan, it is that the principle of the development is acceptable.

Affordable Housing Provision

The requirement for affordable housing is 40% of the total units proposed which for a scheme of 40 units which would yield a total of 16 affordable units.

The application has been submitted on the basis of national policy set out within Planning Practice Guidance which through the Vacant Building Credit scheme enables the provision of affordable housing to be offset against existing floorspace at the site.

Vacant Building Credit provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer is offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings to be offset against any affordable housing contribution which will be sought.

The building has been vacant for a number of years following the relocation of the existing commercial bakery business to a new premises. Since that time, another occupier has not been found and the building has stood vacant. I am satisfied that in this respect, the building has not been made vacant solely for the purposes of redevelopment and therefore, that the scheme as proposed satisfies the Vacant Building Credit criteria to offset the provision of affordable housing.

On the basis of the above, the application of that policy reduces the affordable housing requirement by 11 units.

Therefore, it is proposed to secure 5 units for affordable units through the use of a Section 106 Agreement.

Housing Mix

As the scheme is for the provision of apartments only, the mix of sizes is limited to 1 and 2 bedroom units only. In this location on the periphery of the town centre, the provision of smaller units of accommodation is considered appropriate.

Impact on character of surrounding area and the adjacent Royal Leamington Spa Conservation Area

Warwick District Local Plan Policy DAP8 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation areas.

Warwick District emerging Local Plan Policy HE2 (protection of conservation areas) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

The proposed scheme sees the demolition of the existing buildings on the site which offer very little to the visual amenity of the local area. The disused nature of the buildings is visually harmful and is likely to further detract from the setting the longer the building remains vacant. These buildings have been vacant for a significant period and are already the subject of some vandalism and dilapidation. The lack of an identified future user for this buildings is such that the situation is unlikely to change.

The proposed scheme sees the complete redevelopment of the site consisting of 2 new three storey buildings, one located on the road frontage being 3 storey and the second building sitting adjacent to the canal corridor being part 2 and part 3 storey.

The positioning of the buildings within the site and in particular the relationship to the canal has been very carefully considered and has been designed to ensure an appropriate relationship to the canal and also to the residential properties facing the site from across the canal itself to ensure that their residential amenities are protected.

The design of the buildings has been amended in terms of the layout of fenestration and balcony areas to provide a simplified design more akin to an industrial style building that would commonly be found alongside working canals.

The changes provided include the introduction of the arch over the vertical recesses to introduce a strong (stylised) feature which guides the overall aesthetic to the 'canal-side warehouse' style. This is emphasized by the change in colour to the window framing and pressed metal flashing to contrast with the brick features. This emphasizes a layered approach to the materials and contrast to the brick detailing to further articulate the arched form. The form of the balconies have been amended to metal balconies in lieu of the original 'chunky' timber design which further enhances the industrial and lightweight which complement the amended style of the elevation.

Having considered the revised design, Officers are satisfied that the design rationale of a canalside development has been significantly improved and the overall form and appearance of the proposed buildings reflects more strongly the canalside location upon which they sit. The scale and design of the buildings is also considered to be appropriate within the context of the surrounding built form of different heights and scale.

The opening up of the site to the canal through the removal of a significant close boarded fence will improve the general character of the area and the public realm will be improved through the use of new planting along the boundary.

The Landscape Officer has requested additional planting through the site and this can be secured through an appropriately worded condition.

Overall, the scheme will result in a significant improvement to this prominent corner site that is visible from the surrounding area and adjacent Conservation Area and the revised scheme achieves a high quality form of development that has a positive impact on the character of the local area.

Impact on adjacent properties

There are existing residential properties on the opposite side of the canal together with a range of new properties currently being constructed adjacent to the site.

The properties on the opposite side of the canal are a row of single storey properties set at approximately 45 degrees to the route of the canal. The dwelling form a row of three with ground floor windows to the canalside elevation.

The proposed residential development of the application site is approximately 33 metres from the nearest point of these properties and located across the canal corridor. The proposed new development will introduce taller, three storey structures set back from the canalside that is currently laid to open storage/parking areas of the existing site. As the proposed building is three storey, the Residential Design Guide seeks a separation distance of a minimum of 32 metres and the development achieves the stipulated standard.

Concern has been raised regarding the loss of light to the properties. Officers are satisfied that due to the orientation of the properties being angled away from the new development site together with the separation distance achieved, the proposal would not result in any significant harm to the amenity of these properties to warrant the refusal of planning permission in this case.

The design rationale as set out above has influenced the design of the development insofar as the set back from the edge of the canal has been dictated by the need to achieve appropriate separation from the adjacent properties. The set back also allows for an area of green planting along the canalside elevation of the site which, compared to the existing situation would result in a softer edge when viewed from the adjacent properties.

Whilst the dwellings on the adjacent Union Park development site are not yet complete and occupied, the development is in progress so it is appropriate to make an assessment of the development impact on these properties. In this location, the proposal reduces in height to two storey accommodation only. The elevation facing the adjacent site has windows serving primary living accommodation facing the neighbouring site. In this scenario, the required separation distance is 27 metres between two storey buildings where primary accommodation (other than bedrooms) is proposed at first floor. The

development achieves this 27 metre standard from the nearest point. Officers are therefore satisfied that the development would not have any significant detrimental impact on the amenity of neighbouring properties.

In terms of the future occupiers, the two blocks have been designed to be angled away from one another to prevent any direct window to window facing. Officers are satisfied that the proposal would not result in unacceptable living conditions for future occupiers.

Overall the scheme has been designed to meet the standards of amenity required to prevent significant harm to the amenity of neighbouring properties

Amenities of the Occupants of the Proposed Development.

There is no objection from the Environmental Sustainability team in this regard and it is considered that a satisfactory residential environment can be ensured through the use of appropriately worded conditions.

Access and Parking

The proposal seeks to retain the existing site access from the highway where visibility is greatest along the road. The access is to be improved to the appropriate standard for residential development.

The proposed site layout provides a total of 52 parking spaces which accords with the required parking standards of 1 space per 1 bed property and 1.5 spaces per 2 bed property. The site layout indicates that the parking can be accommodated within the site and retains sufficient space within the site for vehicles to turn to allow entry and exit in a forward gear.

It is noted that the parking meets the required standards as set out within the supplementary planning document. As such, no objection is raised to the parking provision. Local concern around the current parking pressures on the local area has been raised. In coming to a conclusion around the parking situation, Officers are mindful that the site meets the required parking standards and no objection has been received from the County Highways Officer. In this respect, it would be difficult to sustain an objection on parking grounds.

The site also contains sufficient turning space for larger vehicles such as refuse lorries to enter and exit the site in a forward gear without being reliant on the use of any parking spaces to facilitate the manoeuvre.

Overall, subject to the conditions requested by the County Highways Officer, no objection is raised on highway safety grounds.

Energy Efficiency / CO2 reduction

The Sustainable Buildings Supplementary Planning Document requires residential and non-residential developments, including conversions to provide 10% of the predicted energy requirement to be produced on site, or in the locality from renewable energy resources except in cases where it can be demonstrated that it is not feasible to incorporate such measures.

No statement has been submitted in support of this application. However, I am satisfied that energy reduction measures would be feasible for this development and I consider it appropriate to attach a condition requiring these details to be submitted.

Other Matters

Impact on local services/Section 106 Agreement

The proposed development of 40 additional properties would create significant additional demand for local services and to mitigate this, contributions towards community facilities would be required.

Negotiations into the levels of contributions are still ongoing and will be resolved to the satisfaction of the Local Planning Authority before a decision can be issued.

At the time of writing, the contributions requests received are as follows;

- 5 units of affordable housing.
- A contribution of £60,064 towards the enhancement of failing footpaths and landscaping within the Rushmore Street Park

Other contribution responses awaited include education, health service, police coverage, libraries and sustainable travel packs.

The necessary contributions identified would be secured through an appropriate Section 106 Legal Agreement and Members will be updated on progress in this respect at your meeting.

Air Pollution

The Environmental Sustainability Officer has made an assessment of the proposal and raised no objection subject to a condition requiring the submission of a detailed Low Emission Strategy in accordance with the Low Emission Strategy Guidance.

Drainage

The Lead Local Flood Authority has considered the scheme and require additional information regarding the drainage on the site. This detail can be secured by condition.

In terms of foul sewage, it is indicated that the dwellings are proposed to connect to the mains sewers in the local area. This would be subject to agreement with Severn Trent.

Contaminated Land

The site is a former commercial bakery and as such the Environmental Sustainability Officer has raised concern regarding the potential for land contamination. In making the assessment, the Officer is satisfied that

Trees and Hedgerows

The proposal requires the removal of some trees and shrubs within the boundary of the site. Whilst any loss of trees and shrubs is unfortunate, Officers note that the species to be removed do not afford significant amenity value to the site and there is no specific protection afforded to these trees.

The proposed scheme seeks to provide additional replacement planting with more appropriate species and these can be secured through the use of an appropriate planning condition.

The Landscape Officer has also requested that additional planting is provided within the site to ensure an acceptable form of development and to soften the overall scheme.

Ecology

The County Ecologist has assessed the submitted surveys protected species survey and is satisfied with the content and methodology used. No objection is raised based on the outcome of these surveys and it is recommended that further conditions are imposed to ensure that the protected species are not harmed as a result of the development.

Conclusion

The site is located in a sustainable area for the provision of new residential development and is in accordance with the relevant policy considerations

The proposed development represents an appropriate use for the site that can be accommodated without resulting in undue harm to the amenity of the local area, the impact on the amenity of local residents and the impact on highway safety.

The proposed development seeks to regenerate an existing vacant and partially derelict site and the proposed scheme is considered to enhance views from the adjacent Royal Leamington Spa Conservation Area and the environment along the canal side as viewed from the tow path and canal bridge adjacent to the site.

A Section 106 agreement is proposed to secure the affordable housing and appropriate infrastructure contributions that will be reported to Committee in due course.

Subject to conditions to secure the finer details of the development, Officers are satisfied that the scheme is acceptable.

Conditions

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) B6316(PL) 04_K submitted on 30 May 2017 together with B6316(PL)005_F, B6316(PL)006_F, B6316(PL)008_B and B6316(PL)009_B, and specification contained therein, submitted on 28 July 2017. **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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011. (CA). / To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011. (LB). / To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policy RAP8 of the Warwick District Local Plan 1996-2011. (Barn Conversions).
- 5 The reserved matters to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and 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, and 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.
- 6 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local

planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

- 7 The development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 9 The development hereby permitted shall be undertaken in the presence of a qualified ecologist appointed by the applicant to supervise all destructive works to scrub on site. All features, including compost and log piles, are to be removed carefully by hand. Should any reptiles such as grass snake be found during this operation, then work must cease immediately whilst WCC Ecological Services are consulted for further advice. The qualified ecologist should check for small mammals, reptiles, amphibians and nesting birds. In addition to this the qualified ecologist shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.
- 10 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 building/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.

Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub.

REASON: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 11 It should be ensured that there is no contamination of the watercourse either during or after development. No works to start until measures have been put in place to ensure that the Pollution Prevention Guidelines produced by the Environment Agency regarding prevention of pollution during working and operation are adhered to. The Environment Agency can provide further details if required. There should be a buffer zone of at least 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development.

REASON: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 12 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features during construction in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011..

- 13 The development shall not be occupied until a vehicular access has been provided to the site not less than 5 metres in width. **REASON:** To ensure that safe and convenient access to and egress from the site is provided in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 14 The development shall not be until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distances of 2.4 metres and 'y' distance of 43 metres to the near edge of the public highway carriageway]. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** To ensure that safe and convenient access to and egress from the site is provided in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of 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 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's 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.
- 17 If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

18 No development shall take place until: -

1. A 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

a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

b) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

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

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011.

19 No development shall take place until an assessment and associated scheme of mitigation for protecting the proposed dwellings from industrial and traffic noise has been submitted to and approved in writing by the local planning authority; all works which form part of the scheme shall be completed in each dwelling before that dwelling is occupied. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter.

REASON: To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan

1996-2011.

- 20 'No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. the anticipated movements of vehicles and a HGV routing plan;
- ix. measures to limit noise and disturbance; and
- x. a construction phasing plan.

Demolition or construction works and site deliveries shall not take place outside 08:00 hours to 17:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

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.

- 21 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 22 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until details of the siting, height, design and materials of the treatment of all boundaries have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and shall be retained as such thereafter. **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

Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

- 23 Notwithstanding the details submitted, no part of the development hereby permitted until an updated landscaping plan to demonstrate additional soft landscaping provision within the site including the parking areas has been submitted to and approved in writing by the local planning authority. The soft landscaping works thereafter 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.
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