

**Application No:** W 14 / 0845

**Town/Parish Council:** Kenilworth  
**Case Officer:** Penny Butler

**Registration Date:** 03/06/14

**Expiry Date:** 02/09/14

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**Multilines Unit 1, Fitness centre conversion, Common Lane, Kenilworth**

Erection of a three storey care home (within Use Class C2) with associated access, landscaping and engineering works following demolition of existing buildings. FOR Common Lane Developments Ltd c/o WCS Care Group Ltd

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This application is being reported to Planning Committee because it is recommended that planning permission be granted subject to the completion of a legal agreement.

**RECOMMENDATION**

Planning Committee are recommended to GRANT planning subject to the conditions listed below.

**DETAILS OF THE DEVELOPMENT**

This application is for full planning permission for a care home facility comprising a 3 storey building containing 84 bedrooms plus 2 guest bedrooms to provide specialist care for dementia patients and the provision of associated services including communal internal and external areas, car parking, and supporting services. The existing access onto Common Lane would be retained but used for ingress only, leading to a visitors car park exiting onto the service road. The existing access into the rear of the site would be closed, with a new access off the service road at the rear, providing access to a staff car park. Most bedrooms would face south where there would be a landscaped area.

The applicant has submitted supporting information with this application in the form of a planning statement, design and access statement, noise assessment and a transport statement. The design and access statement states:

*"The proposal is to construct a specialist Care Home that will provide a unique and much needed facility in Kenilworth. The use class will be C2 Residential Institution.*

*The scheme comprises of 84 residential dementia care bedrooms, with an additional 2 guest bedrooms. Pozzoni architects have designed this new building around the specific requirements of the client and from experience of similar schemes.*

*WCS Care Group Ltd are a not for profit, local, independent and experienced care provider and have many years of experience in Dementia support. They provide high quality, individualised care that enables people to continue a fulfilling life. WCS Care have been working in Warwickshire for over 21 years and have two homes for people with physical disabilities (one based in Kenilworth) and a further 10 homes across the county for older people.*

*The proposed building will be developed, owned and managed by WCS Care Group Ltd.*

*In conclusion, we feel that the proposed scheme will be a very positive addition to the area. The building will provide a much needed facility for dementia and elderly care in Kenilworth. It will enhance the local surroundings with its subtle but eye catching contemporary appearance. We believe this will be a high quality Care scheme that makes effective use of the land and the opportunities available. It will significantly enhance and improve the site, with the aim of stimulating future development in the area. The design of the scheme is welcoming, and distinctively has a domestic but non-institutional feel. The design allows for people to continue with their daily lives and activities as if they were still living in their own home."*

## **THE SITE AND ITS LOCATION**

The application site is protected employment land under Local Plan Policy SC2 and has an area of approximately 0.64 hectares and forms part of the larger Common Lane trading/industrial estate to the east of Common Lane. The site is situated to the north of a modern residential development on former industrial land and to the south of light industrial units that form part of the industrial site as a whole. The lower part of the site is within a Flood Risk Zone 3.

## **PLANNING HISTORY**

The site comprises part of a large trading/industrial estate on Common Lane with this particular unit being the subject of the erection of a first floor extension, pitched roof to existing two storey building and two storey entrance extension in 2003. The factory/warehouse area was granted permission in 2005 to convert into 3 warehousing units and new offices with a change of use of part of the site into a fitness centre in 2006. The main warehouse/industrial building has previously been occupied by 3 companies with the front offices and floor area being occupied by a fitness centre. In 2010, Multilines went into liquidation and the fitness centre relocated to another site and despite the business going to auction, no sale was secured. The site is presently unoccupied and falling into disrepair.

Outline planning permission was granted in 2012 (W/11/1394) for the erection of a three storey care home. This permission should have been the subject of a S106 agreement to secure a contribution towards GP surgery improvements of £469 per bedroom, or £33,768 based on 72 bedrooms.

A prior notification approval for the demolition of existing buildings was approved in 2014 (W/14/0767). Conditions which have now been discharged were imposed for details of supervision of works with regard to bats and nesting birds, amphibian/reptile mitigation measures and tree protection.

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- SC14 - Community Facilities (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)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS3, DS5, DS6, DS8, SC0, BE1, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE6, NE2, NE3, NE4, NE5, W1, DM1.

### Guidance Documents

- Vehicle Parking Standards (Supplementary Planning Document)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Distance Separation (Supplementary Planning Guidance)

## **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Comment that from the drawings and landscaping works it was unclear whether adequate safety measures were intended to provide a safety edge to protect patients and visitors when the Finham Brook is in spate.

**WCC Highways:** The proposed development includes the retention and remodelling of the existing access on Common Lane and the creation of two new accesses on the private service road. The existing access on Common Lane currently has a 10.5 metre drop kerb fronting the site therefore, any parts which are not intended to be used, are required to be reinstated. At the existing access on Common Lane and the existing private road access, the required visibility splays can be achieved in both directions.

The proposed layout includes a one-way access road serving the visitors car parking area, with access from Common Lane and exit onto the private road. There is also an access into the site, further east along the private road, serving the proposed staff car parking area. The access appears to measure 4.4 metres wide however, it is required to be 5 metres wide, to enable two-way vehicle movements, but there is sufficient space adjacent to the proposed access to widen this.

The 49 proposed car parking spaces (within two parking areas) exceeds the required 28 spaces. The vehicular movements associated with the site can be estimated using trip rate information from comparable sites. These indicate that the combined existing B1 and D2 class uses would generate approximately 195 trips throughout a 12 hour period (07:00 – 19:00), whereas the proposed C2 class use would generate approximately 210 trips during the same period. The Highway Authority considers that the highway network can accommodate the slight increase in vehicle movements and it is unlikely to have a detrimental impact on public highway safety. There have also been no reported accidents within the immediate surrounding area in the last five years. Therefore no objection is raised subject to conditions requiring visibility splays, closure of existing access and access width.

**WCC Ecology:** No objection subject to conditions requiring supervision of works by a bat worker, further building survey for nesting birds or works to avoid breeding season, mitigation for reptiles/amphibians, tree/hedge protection scheme. Also advisory notes on native planting, lighting and protection of adjacent watercourse.

**South Warwickshire NHS Foundation Trust:** No objection.

**NHS England:** Do not normally submit requests for applications involving this number of additional residents and the residents would usually be seen in the care home rather than at the GP premises.

**Health & Community Protection (Drainage):** No objection to submitted further details. The applicant should seek separate consents from the Environment Agency and Severn Trent Water.

**Warwickshire Police Design Advice:** Recommend consideration of measures to design out crime.

**Health & Community Protection (Environmental Health):** This is the site of a former engineering works where soil contamination has been previously

confirmed. Conditions are therefore recommended requiring further contamination investigation and remediation, additional noise monitoring to inform and achieve satisfactory internal noise levels for residents, and a Construction Management Plan to include measures to control noise, dust and light emissions.

**Severn Trent Water:** Confirm the submitted drainage details are acceptable.

**Environment Agency:** This site was the subject of previous detailed discussions in relation to requirements regarding easements and access to the Finham Brook (a Main River). A compromise was reached where access was secured to the brook through gates and ensured that there would be no structures apart from the fences within 5 metres of the watercourse. Conditions are required for a ramped access into the watercourse, no new buildings, walls or raised ground within 5 metres of the top of Finham Brook bank and no gates or fences within 1 metre of the Finham Brook. Also comment that trees on the northern bank of the Brook should be protected from development.

**WCC Archaeology:** No comment.

## **ASSESSMENT**

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

- Loss of employment land
- The impact on the street scene
- The impact on the living conditions of nearby dwellings
- Parking and access
- Other matters

### **Loss of employment land**

The relevant policy for the assessment of the loss of employment land is Policy SC2 of the Warwick District Local Plan. Policy SC2 seeks to protect existing and employment land and buildings from changes of use to non B1, B2 or B8 uses unless the application is for a non-housing use, accords with all other policies in the Plan, and the applicant can demonstrate that the proposal would not have the effect of limiting the level of provision and the quality of land available for employment in accordance with the Plan. Although the amount of employment land that would be lost as a result of the development is limited (0.64ha), it would reduce the availability of land, particularly within Kenilworth which has limited areas of employment land available.

The previous applicant put forward a number of arguments in favour of the proposal as material considerations to outweigh the conflict with policy. Supporting information was submitted relating to the lack of demand for this site confirming that the site has been marketed since June 2010 and did not attract a buyer after being offered at auction in December 2010. This information was considered to demonstrate that there is little demand for this particular industrial site, and there is no evidence to suggest this will change, meaning the site is

likely to continue to make no contribution towards meeting local employment needs at least in the short term. The applicant also pointed to the fact that the proposed development would create approximately 46 full time staff and 50 part time staff (now estimated to be 100-120 people) which is potentially more than might be expected from an industrial use (were there demand for such a use).

Moreover, the NPPF states that "where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and relative need for different land uses to support sustainable local communities" (para. 22). In this context, the applicant argued that the care home would provide specialist residential care for which there is need. A shortage of quality dementia services is a national problem recognised locally by the County Council. The previous applicant explored alternative sites to meet the need, however, no suitable and available sites were identified within Kenilworth. This material consideration is strengthened further when considered alongside the NPPF and the requirement for significant weight to be placed on the need to support economic growth through the planning system. Furthermore, Draft Policy DS8 of the Draft Local Plan identifies Common Lane as a poor quality area of employment land potentially suitable for redevelopment under Draft Policy EC3 (which replaces SC2). Only limited weight can be attached to these policies due to the early stage of the Draft Plan in the adoption process.

In conclusion, the proposal is contrary to Policy SC2 of the Local Plan. However, the material considerations taken together in this particular case are significant, namely; the principle of development has been previously agreed and there has been no relevant material change in circumstances since this time, the limited harm caused to employment land supply through the loss of this particular site given its size; the contribution the proposal would make to meeting the need for specialist care for dementia patients in a sustainable location within the urban area; and the Government's support for economic growth set out in the NPPF. In total, these material considerations are considered sufficient to outweigh the conflict with policy and the harm caused through the loss of 0.64ha of employment land.

#### Impact on the street scene

The height of the proposed 3 storey building is considered appropriate in the context of the local area, where there are similar height buildings in the immediate vicinity. As the land slopes downwards from north to south, the proposed building when viewed from Common Lane would not be significantly higher than the adjacent light industrial units to the north, and would be marginally lower than the ridge height of the residential properties adjacent to the southern boundary. In this context, the layout and plans show that a care home of this scale can be accommodated on the site in accordance with Policy DP1 of the Local Plan.

### Impact on the living conditions of nearby residents

The proposed care home would not lie immediately adjacent to any existing residential properties, as Finham Brook forms a barrier to the existing houses to the south. There is a mature tree line each side of the Brook providing a thick buffer screening the site, and an appropriate landscaping scheme is proposed which retains significant trees outside the boundary of the site to protect the amenity of dwellings on the opposite side of the Brook. The nearest dwellings are 24m from the care home, and the nearest distance separation standard would be 32m so this is below standard. However, it is considered that the substantial boundary screening along the Brook mitigates this impact to ensure there would not be an acceptable loss of amenity for these neighbours. The previous indicative outline approval showed the three storey building slightly closer to the boundary. Furthermore, it is considered that the proposed care home replaces a building which would provide a much improved outlook for existing neighbours and with appropriate conditions and informatives in relation to noise disturbance, as such, would comply with Local Plan Policy DP2.

### Parking and Access

The parking requirement for a 86 bed nursing home in this location is 29 spaces, based on one space per three residents. The proposed layout provides 49 spaces plus 6 disabled spaces, plus cycle parking. This is in excess of the requirement but given there is no opportunity for over spill parking onto the public highway in the vicinity, and there would be no serious adverse visual impact from this over provision, this is considered acceptable and would comply with Policy DP8. The Highway Authority are also satisfied the proposal has demonstrated sufficient space for parking, visibility splays and access details.

### Other matters

The Environment Agency are satisfied the development would not have an unacceptable impact on flooding or the adjacent Finham Brook, subject to conditions in relation to providing a buffer between development and the Brook, and ensuring a safe means of access to the Brook for maintenance and improvement. The comments from Warwickshire Police have been forwarded to the applicant as their requests do not involve development.

The applicant has stated that they would prefer to adopt a strategy of utilising low carbon building fabrics which would prove more effective in minimising energy usage and maximising energy efficiency than providing renewable technologies. This is at odds with the Council's Sustainable Buildings SPD and Policy DP12 which specifically requires the generation of renewable energy on site. The movement towards achieving carbon savings by a fabric first approach is generally accepted as being the direction of travel in national and local planning policy, therefore it is recommended that the standard condition requiring renewables be altered to allow this alternative approach to achieving the same carbon savings. Such an approach has recently been agreed by the variation of this condition on a number of residential permissions.

In terms of health and wellbeing, the proposal will provide accommodation for potentially vulnerable members of the community who may also require care.

### **Summary/Conclusion**

The proposal would not lead to an unacceptable loss of employment land, would not cause unacceptable harm to visual or neighbouring amenity, would not lead to highway danger or inconvenience, would make appropriate provision for necessary healthcare facilities to meet the needs of the development.

### **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 in accordance with the details shown on the application form, site location plan and approved drawing(s) (132/101 RevB, 214-017 D02 RevC, 214-017 D01 RevC, 214-017 D04 RevC, P3530-100 RevA, P3530-200 RevA, P3530-210 RevA, P3530-211 RevA, P3530-212 RevA, P3530-310 RevA, P3530-311 RevA, P3530-401 RevA) and specification contained therein, submitted on 3 June 2014. **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 hereby permitted shall not be commenced unless and until a scheme showing how either 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, or a scheme has been submitted to achieve the equivalent carbon savings by the installation of building fabric improvements, 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 this scheme have been completed and thereafter the works shall be retained at all times 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 in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 4 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 Local Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.



- 5 The development hereby permitted shall not commence unless:-
- a) it is time tabled with the demolition carried out to avoid the bird breeding season (March to September inclusive);
  - b) Not commence until a qualified ecologist has been appointed by the applicant to inspect the buildings and vegetation to be cleared on site for evidence of nesting's birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged. as advised by ecologist. **REASON:** To 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.
- 6 The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. **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.
- 7 No development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause

damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).

**REASON:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 8 The development hereby permitted shall proceed only in strict accordance with the recommendations of a noise assessment, to include additional noise monitoring to complement the existing noise assessment and demonstrate that compliance with the following noise criteria (with reference to BS8233: 2014 and WHO guidelines) can be achieved:

Internal noise levels shall not exceed the following levels during daytime:

- Living Room (Daytime 07:00 to 23:00) - 35 dB LAeq,16hour
- Dining Room (Daytime 07:00 to 23:00) - 40 dB LAeq,16hour
- Bedroom (Daytime 07:00 to 23:00) - 35 dB LAeq,16hour
- The daytime external noise level in amenity areas shall not exceed 50dB LAeq,t with reference to WHO Guidelines.

Internal noise levels shall not exceed the following levels during night time:

- Bedrooms (Night time 23:00 to 07:00) - 30dB LAeq,8hr
- Maximum instantaneous noise level not exceeding 45dB L<sub>Amax</sub>,fast (as prescribed by WHO Guidelines for Community Noise; 1999).

Prior to the first occupation of the building any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority. **REASON:** To protect the amenity of future residents of the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

- 9 No development shall take place on site until: -
- (a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.

(b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority

prior to that investigation being carried out. 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

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

(d) 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. All development of the site shall accord with the approved method statement. 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.

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.

- 10 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has 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 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; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; 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; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **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.

- 11 The development shall not be occupied until visibility splays have been provided to the vehicular accesses to the site on the private road with an 'x' distance of 2.4 metres and 'y' distances of 25 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 0.9 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 12 The development shall not be occupied until parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb/footway/verge has been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 13 The development shall not be occupied until the staff car park access serving vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 14 The care home shall not be occupied unless and until the cycle and 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 unless otherwise agreed in writing by the local planning authority. **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.

- 15 There must be no new buildings, walls or raised ground within 5 metres of the top of bank of the Finham Brook and no gates or fences within 1 metre of the Finham Brook. **REASON:** To maintain access to the watercourse for maintenance or improvements.
- 16 Prior to any development commencing on site, details shall be submitted to demonstrate that an access ramp is provided to the Finham Brook and details of fencing and gated access points along the brook will also be provided as part of the final design. The ramp fence and gates shall be constructed in line with the details approved. **REASON:** To facilitate access to the Finham Brook for maintenance or improvements.
- 17 The premises shall be used as a care home with specialist dementia care facilities, and for no other purposes (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **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.
- 18 The development hereby permitted shall be time tabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of reptiles and amphibians within the site as set out in the document "Method Statement: Amphibians and Reptiles for Common Lane Industrial Estate, Kenilworth, CV8 2EL " prepared by Ridgeway Ecology (4th April 2014). **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.
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