Planning Committee: 10 November 2015 **Item Number: 6**

Application No: W 15 / 1022

Registration Date: 11/08/15
Town/Parish Council: Cubbington **Expiry Date:** 06/10/15
Case Officer: Rob Young
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Rugby Tavern, 43 Rugby Road, Cubbington, Leamington Spa, CV32 7HZ
Demolition of outbuilding and erection of a convenience store (Use Class A1) with ATM and provision of new car parking area to rear of public house. FOR Spirit Pub Company

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the demolition of the existing outbuilding to the side of the public house and the erection of a convenience store (Use Class A1). The store would include an ATM and the application also proposes the construction of a extension to the car park into the area to the rear of the public house.

The public house is proposed to remain in operation alongside the new shop. A total of 58 parking spaces will be provided, to be shared between the two uses.

The following amendments have been made to the application:

- the overall number of parking spaces on site has been increased to 58;
- confirmation has been provided that all of the parking spaces will be shared between the public house and the shop, with none of the spaces allocated or reserved for either particular use;
- replacement tree planting has been proposed;
- a Transport Technical Note has been submitted to address the concerns of WCC Highways;
- the fence around the shop has been reduced in height to 2m; and
- an amended bat survey has been submitted.

THE SITE AND ITS LOCATION

The application relates to the Rugby Tavern Public House, which is situated on the north-western side of Rugby Road, in Cubbington. The public house building occupies the centre of the site, with a tarmac car park to the front and a grassed

beer garden to the rear. The area to the side of the public house where the shop is proposed to be erected is currently occupied by an outbuilding with areas of grass and hardstanding alongside. There are trees and shrubs alongside this area, along the boundary with the adjacent houses.

The site is adjoined by dwellings on three sides and by Rugby Road on the fourth. The Rugby Road Local Shopping Centre is situated on the opposite side of Rugby Road. A pedestrian crossing links the site to the Local Shopping Centre.

PLANNING HISTORY

There have been a significant number of previous planning applications relating to the public house. Most of these are not relevant to the consideration of the current proposals. The most significant of these was a planning permission for the erection of a playbarn in 1998 (Ref. W98/0290). However, this was not implemented.

There are two further applications relating to the proposed store on this agenda, one for plant and equipment and the other for signage (Refs. W15/1338 & W15/1339).

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)
- DP7 - Traffic Generation (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)
- UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- 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)
- 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)
- 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)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

SUMMARY OF REPRESENTATIONS

Cubbington Parish Council: Object on the following grounds:

(a) The increased volume of traffic on Rugby Road that will be generated, including delivery lorries, will have an adverse impact on road safety, particularly during peak periods. There are also concerns about the safety of those leaving the site at an already busy location which has several access points to the car park on the south side of Rugby Road, and the bus stop. The Parish Council request that these issues are investigated by the highways authority.

(b) Parking in local roads will increase due to the inadequacy of the on-site car parking allocation. Parking will also take place in the car park on the south side of Rugby Road which will increase the number of pedestrians crossing the road.

(c) The details contained in the Retail Impact Assessment contain significant errors and omissions and do not reflect the true position particularly in relation to the catchment area of the proposed store and do not take proper account of the impact that the proposals would have on existing local retail businesses.

Also, the Parish Council fully supports the objections submitted by the Simon Smith Group in relation to Compton's Garage. The Parish Council believes that

the petrol station is a valuable local amenity which would be lost if the business closed. Also, the restriction that was imposed in the planning consent for the redevelopment of Compton's Garage in relation to the retail area would be inconsistent with the proposals for the Sainsbury's store. Similar standards would have to be applied in relation to this application.

Public response: 83 objections and 3 representations in support have been received. The objectors raise the following concerns:

- inconsistency with the approach that the Council took to the Comptons Garage redevelopment, where the shop was restricted to 139 sq m;
- harm to the viability of the Comptons Garage redevelopment and consequent loss of an important community facility (they could choose to proceed with the approved residential development on that site);
- loss of Comptons Garage would increase vehicle movements (people having to travel further to buy fuel) and would result in a loss of employment;
- harm to the vitality and viability of the Rugby Road, Queen Street and Crown Way Local Shopping Centres;
- detrimental to local traders;
- there is no need for another convenience store in this area;
- the Planning Statement submitted with the application is flawed;
- noise and disturbance from deliveries;
- the Noise Report submitted with the application is flawed;
- increased traffic congestion;
- detrimental to highway safety;
- the Transport Statement submitted by the applicant is flawed;
- inadequate parking;
- increased parking on surrounding residential streets;
- increased pollution;
- harm to the character and appearance of the area;
- the design of the building is not in keeping with the traditional design of the pub;
- loss of trees;
- loss of light;
- loss of privacy;
- harm to the outlook of adjacent dwellings;
- bats have been seen around the application site;
- the bat survey is inadequate; and
- the proposals may result in the loss of the pub due to parking issues.

The supporters make the following comments in support of the application:

- North Leamington is inadequately provided with supermarkets, resulting in long journeys to the south of town;
- the development will create jobs;
- it will not cause significant traffic congestion or pollution;
- this will give better quality shops for those who can't drive into Cubbington or Leamington; and
- this will provide some healthy competition for the Crown Way Tescos store.

Cllr Harrington: Objects on the grounds of the adverse impact on the proposed Comptons Garage redevelopment, increased traffic congestion, harm to highway safety (lorries using the Comptons mini-island which is an accident black spot and delivery vehicles leaving the site conflicting with the pedestrian crossing and two accesses for the shops opposite) and the fact that the new store will not generate local jobs because Sainsburys are relocating staff from other stores.

Cllr Redford: Objects due to concerns about the impact on established businesses in the area, the harm to highway safety (close proximity to the pedestrian crossing and bus stop) and contravention of Policy UAP3 in relation to the impact on the Rugby Road Local Shopping Centre.

WCC Ecology: Recommend conditions in relation to bat mitigation measures and nesting birds.

WCC Highways: No objection, subject to conditions and minor amendments to the site plan.

WDC Environmental Health: No objection, subject to conditions in relation to plant noise, deliveries, opening hours, air quality, lighting and to require a Construction Management Plan.

ASSESSMENT

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

- retail policy and the impact on the vitality and viability of nearby local shopping centres;
- car parking;
- highway safety;
- impact on the living conditions of neighbouring dwellings;
- impact on the character and appearance of the area;
- impact on trees;
- impact on bats; and
- health and wellbeing.

Retail policy and the impact on the vitality and viability of nearby local shopping centres

Local Plan Policy UAP3 states, amongst other requirements, that retail development will not be permitted unless it can be demonstrated that the proposal would not have a significant adverse impact on the vitality and viability of town centres, district centres and local centres. Policy UAP3 also sets out a sequential test for proposals for retail developments in out of centre and edge of centre locations. This is consistent with advice in paragraphs 24 and 26 of the NPPF.

The application site is not situated within the town centre or any defined local centre. However, it is situated adjacent to the Rugby Road Local Shopping Centre. Therefore in retail policy terms it is an "edge of centre" site.

Policy UAP3 and the NPPF essentially require two tests to be carried out for retail development in edge of centre locations. The first is the sequential test, which requires the developer to demonstrate that there are no sites available for the development within town or local centres in the catchment area. The second is the impact test, which requires an assessment of the impact on investment in town and local centres and on the vitality and viability of town and local centres.

The application was accompanied by a Planning Statement which concludes that the proposals are in accordance with the above retail policies. The Council have appointed independent retail consultants to review the applicant's Planning Statement and to undertake an independent appraisal of the proposals against these planning policies.

Dealing first with the sequential test, the Council's consultants have advised that the applicant has demonstrated that there are no sequentially preferably sites available within centres to serve the catchment of the proposed store. As an edge of centre site this represents the next preferable location in relation policy terms and therefore the proposals comply with the sequential test.

Turning to the impact test, the Council's consultants advise that the proposed store is likely to draw the majority of its trade from like-for-like format stores such as Tesco Express in Crown Way. That store is not within a Local Shopping Centre and consequently is not protected by Policy UAP3 or the NPPF. The Council's consultants advise that there is unlikely to be a significant adverse impact on nearby local shopping centres (e.g. High Street / Queen Street, Cubbington or Crown Way, Lillington). They do suggest that there may be a small level of trade diversion from the existing convenience store in the Rugby Road Local Shopping Centre (Bargain Booze), principally due to a loss of newspaper sales, but they do not consider that this would be a significant adverse impact as these goods only represent a small element of the retail offer of that store. Furthermore, it is also important to note that the proposals could generate linked trips to the Rugby Road Local Shopping Centre which may well enhance the vitality and viability of that centre.

Therefore the advice of the Council's retail consultants is that the proposals comply with Local Plan Policy UAP3 and the retail policies of the NPPF and would not have a significant adverse impact on the vitality and viability of nearby shopping centres.

Objectors have raised concerns about the impact on the viability of the Comptons Garage redevelopment, which is to include a convenience store. These concerns relate to a desire to ensure that the petrol filling station and associated facilities are retained on that site in preference to the residential development that has also been approved. However, as that site is situated in an out of centre location, it does not benefit from any protection under the retail policies of the Local Plan or the NPPF. Therefore the Council have no grounds for refusing planning permission for a store in an edge of centre location to protect such a store in an out of centre location. In retail policy terms the current application site represents a preferable location. It should also be noted here that the Comptons

Garage development has had planning permission since 2011 but has not yet been built.

Objectors have also suggested that a condition should be imposed to limit the size of the retail area to no larger than was approved on the Comptons Garage site. However, as the current site is situated in an edge of centre location and complies with Policy UAP3 and the retail policies of the NPPF, such a restriction is not justified. This is in contrast to the Comptons Garage site, which being in an out of centre location was only found to comply with these policies due to the limited retail floorspace proposed.

Car parking

The application proposes to create an extended parking area to the rear of the public house so that there will be a total of 58 spaces on the site. As amended, the application proposes that all of the spaces across the site will be shared between the public house and the shop. The Council's Parking Standards require a combined total of 61 spaces based on the floor area of the public house and the shop. This leaves a shortfall of 3 spaces. Given that the parking is to be shared between the two uses and the hours of peak demand for these uses is unlikely to coincide, the level of parking provision is considered to be appropriate. The plans also include cycle parking alongside the shop.

Highway safety

In response to concerns that were raised by WCC Highways the applicant has submitted minor amendments to the site layout together with further information to demonstrate that the highways impact of the development will be acceptable. Having reviewed this further information WCC Highways have confirmed that they have no objection to the proposals. They are satisfied that the junctions have sufficient capacity to accommodate the expected traffic for the proposed store and the existing public house. Therefore, whilst the significant number of objections on highway safety grounds are noted, the evidence demonstrates that the proposals are acceptable in terms of highway safety.

Impact on the living conditions of neighbouring dwellings

The proposed store would be situated alongside the rear boundary of the dwellings in West View Road. However, there would be a separation distance of 20m from the rear elevation of those dwellings. Therefore, in view of the fact that this is proposed to be a single storey building with a maximum height of just 4.8m, it is not considered that the proposals would cause unacceptable loss of light or loss of outlook for those dwellings or to other dwellings which adjoin the application site.

Turning to the issue of privacy, the proposed building is single storey and no windows are proposed in the elevations facing neighbouring dwellings. Therefore the existing boundary fencing and existing and proposed boundary vegetation is considered to be sufficient to preserve the privacy of neighbours.

In terms of noise and disturbance, Environmental Health have recommended a number of conditions to control the construction and operation of the proposed development. Subject to these conditions, Environmental Health have no objections to the scheme.

The relationship between the proposed store and neighbouring dwellings is similar to that existing at other convenience stores in the town. Furthermore, in this case the site is already used as a public house with existing potential noise impacts. Consequently there is no evidence to suggest that the proposed store would cause unacceptable noise and disturbance to any surrounding residential properties, provided that appropriate conditions are imposed.

The additional parking area to the rear of the public house would increase vehicle movements in this area. In considering the impact that this would have, it is important to note that there is already a service access to the side / rear of the public house which is used by larger commercial vehicles. Furthermore, the dwellings nearest to the proposed parking area have longer than average rear gardens and therefore the extended parking area would be 24m from the nearest dwelling. Furthermore, a significant portion of the evergreen hedge alongside that part of the site is proposed to be retained and this would provide a good degree of screening. As a result, it is not considered that the proposed extension to the car park would cause unacceptable noise and disturbance for adjacent dwellings.

Impact on the character and appearance of the area

The proposals are for a store with a contemporary design. The building would have a flat roof with rendered and timber clad walls. Whilst this would be different from the design of the public house and nearby dwellings, it is not considered to be an inappropriate design approach for this location. The building would be set well back from the road frontage and would be subservient in appearance to the public house. Therefore, as a single storey building, it would not be particularly prominent in the street scene. Taking these factors into account it is considered that this would be a relatively low key building which at worst would have a neutral impact on the character and appearance of the area and which may be considered to add interest to the street scene.

Impact on trees

The proposals would require the removal of a number of trees from the north-eastern boundary of the site as well as the partial removal / cutting back of a hedge of evergreen shrubs on the south-western boundary. All of these these trees and shrubs are set well back into the site and do not make a significant contribution to the character and appearance of the area as viewed from public vantage points. They do provide some benefits in terms of screening for neighbouring dwellings, but the nature of the development is such that it does not create any essential requirement for screening (given the limited size of the building and the distance from neighbouring dwellings). Furthermore, the applicant has proposed replacement planting to compensate for the loss of these trees and shrubs. This includes tree planting on the site frontage that will be

more visible in public views than the trees that are to be removed. The proposals also include replacement planting along the north-eastern boundary to provide screening where the building is closest to adjacent dwellings. It is considered that this replacement planting would adequately compensate for the trees and shrubs that are to be removed.

Impact on bats

A bat survey has been undertaken and this found evidence of a single bat using the building that is to be demolished. The bat survey report proposes mitigation for the loss of this roost site. This includes the installation of two bat boxes and various measures to ensure that bats are not harmed during the demolition process.

The conclusions of the bat survey and the proposed mitigation measures have been accepted by WCC Ecology. Therefore it is considered that the proposals would have an acceptable impact on bats.

Health and wellbeing

The provision of a convenience store in this location would increase the choice available to local shoppers in closer proximity to their properties which some people will find more convenient.

Other matters

The plans include a refuse store within the rear yard. This is sufficient to cater for the storage of refuse and recycling for the shop.

A condition is recommended to require details of renewable energy technologies or energy efficiency measures to meet the requirements of Local Plan Policy DP13.

With regard to the objectors' concerns about air pollution, a condition is recommended to require the submission of a low emissions strategy. Subject to this condition the proposals are considered to be acceptable in terms of air quality.

Summary/Conclusion

The proposals are considered to be in accordance with the retail policies of the local plan and the NPPF and would not unacceptably impact upon the vitality and viability of the nearby local shopping centres. The proposals are also considered to be acceptable in terms of car parking, highway safety, the impact on trees and the impact on bats. Furthermore the design of the store is considered to be appropriate for this location and the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Therefore it is recommended that planning permission is granted.

CONDITIONS

1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 1523.PL3D, 1523.PL4B, 1523.PL5 & 1523.PL8, and specification contained therein, submitted on 25 June 2015 and 19 October 2015. **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 The development hereby permitted shall not commence until details of the finished floor levels of the building, 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.

5 The development hereby permitted shall either:

a) be timetabled and carried out to avoid the bird nesting season (March to September inclusive); or

b) not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds (immediately prior to works commencing). If evidence of nesting birds is found works shall not proceed within 20m of the nesting site until outside of the bird nesting season (March to September inclusive).

REASON: To prevent possible disturbance to nesting birds, in accordance with Policy DP3 of the Warwick District Local Plan.

6 No works of demolition or construction shall be undertaken unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise, demolition or clearance works, details of wheel washing, delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **REASON :** To protect the living conditions of nearby dwellings, in accordance with Policy DP2 of the Warwick District Local Plan.

7 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 CO^2 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.

8 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition 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 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:** In order to protect and preserve

existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

9 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All 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 (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

10 All trees and shrubs proposed in the Tree Planning Schedule (ref. JH0915RUGPHL_2) approved with this application shall be planted within six months of the first use of the shop hereby permitted. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. 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.

11 The shop hereby permitted shall only be open to the public between the hours of 0700 and 2300. **REASON**: To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

12 No external lighting shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON :** To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

13 The proposed additional car parking spaces hereby permitted shall be

constructed, surfaced, laid out and available for use prior to the first occupation of the shop hereby permitted, in full accordance with the approved plans. This and all other car parking areas shown on the approved plans shall be retained and kept free from obstruction and available for the parking of vehicles in association with the shop hereby permitted and the existing public house at all times thereafter. All of the car parking spaces shall be shared between the public house and the shop. None of the parking spaces shall be reserved for either particular use or for any other use. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

14 The shop hereby permitted shall not be occupied until the pedestrian access routes, car parking, servicing and manoeuvring areas have been constructed and marked out in strict accordance with the approved plans. The car parking spaces shall be retained at all times thereafter. **REASON :** To ensure that suitable provision is made for pedestrian access, parking and servicing, in accordance with Policies DP6 and DP8 of the Warwick District Local Plan.

15 The shop hereby permitted shall not be occupied until:

(a) details of signage and / or line markings to ensure that the entrance and exit arrangements are clear to road users have been submitted to and approved in writing by the local planning authority;
(b) details of signage to direct customers to the proposed rear parking area have been submitted to and approved in writing by the local planning authority; and
(c) the signage and / or line markings approved under (a) and (b) have been completed in strict accordance with the approved details.

REASON : In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

16 The cycle provision shown on the approved plans shall be completed before the development hereby permitted is first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

17 With the exception of newspaper deliveries, no deliveries, waste collections or other noisy external activities likely to cause nuisance to nearby residents shall take place before 0730 hours or after 2000 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **REASON :** To protect the living conditions of nearby residents, in accordance with Policies DP2, DP6 & DP9 of the Warwick District Local Plan 1996-2011.

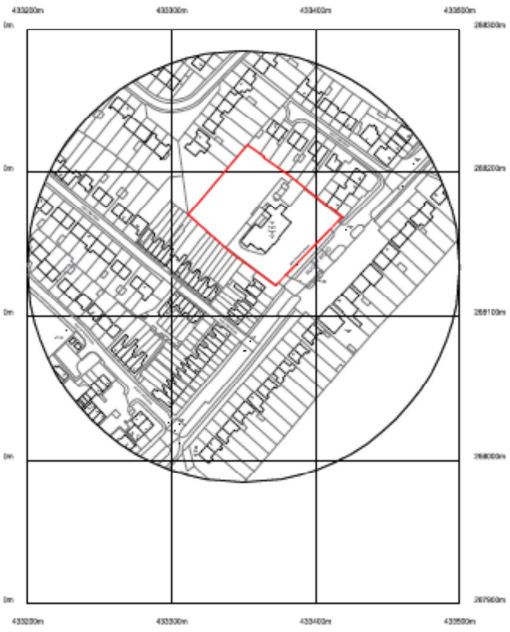
18 Noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous 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.

19 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.

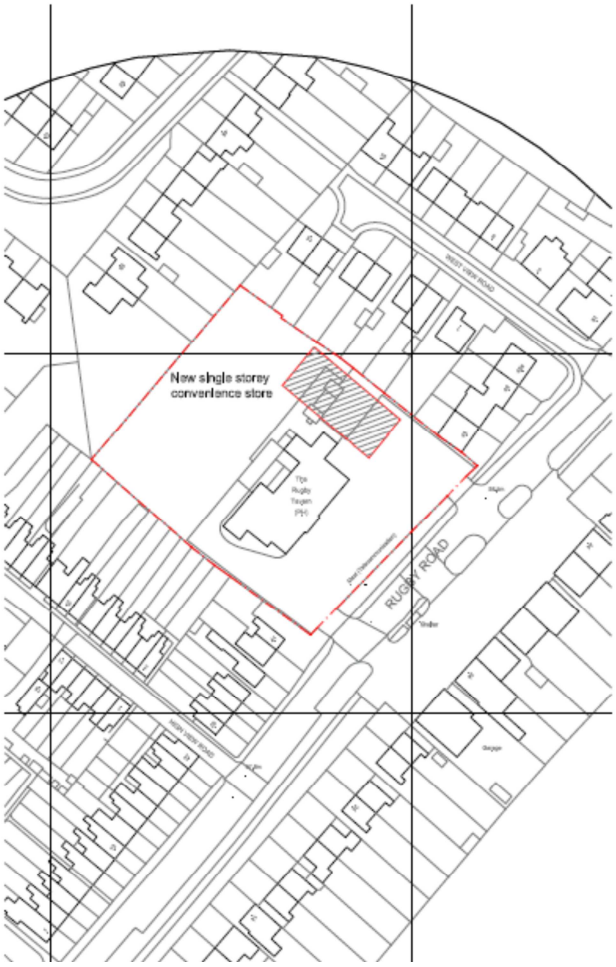
20 All refrigeration plant on delivery vehicles shall be switched off while the vehicle is stationary. **REASON :** To protect the living conditions of nearby dwellings, in accordance with Policy DP2 of the Warwick District Local Plan.

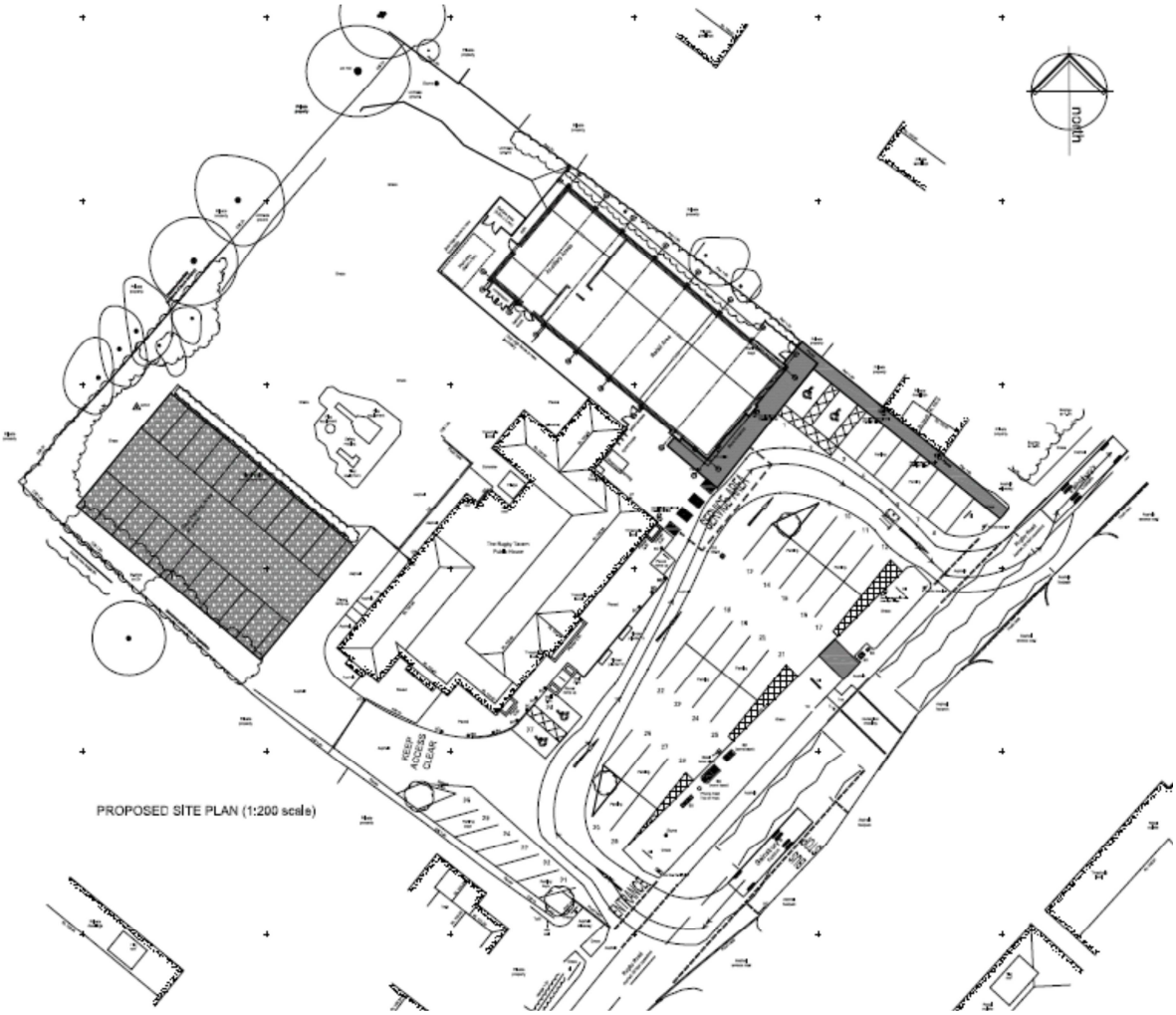
21 The development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in Section 5 of the document 'Phase 1 Bat Survey for Rugby Tavern, 43 Rugby Road, Cubbington, CV32 7HZ - amended version 7th September 2015' prepared by Ridgeway Ecology Ltd, received by the District Planning Authority on 8th September 2015. These measures must be carried out by a licensed BLICL bat worker. **REASON :** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.

22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the existing public house shall remain in use as a public house and for no other purpose. **REASON:** To protect the vitality and viability of nearby local shopping centres, in accordance with Policy UAP3 of the Warwick District Local Plan.



LOCATION PLAN (1:1250 scale)




PROPOSED SITE PLAN (1:200 scale)
KEEP ACCESS CLEAR

45 Cubbington Road