



---

## Appeal Decision

Hearing Held on 4 September 2019

Site visit made on 4 September 2019

**by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 October 2019**

---

**Appeal Ref: APP/T3725/W/18/3218529**

**Waverley Riding School, Coventry Road, Cubbington, Warwickshire CV32 7UJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Daniel Hatcher (Rosconn Strategic Land) against the decision of Warwick District Council.
  - The application Ref W/18/0554, dated 19 March 2018, was refused by notice dated 19 October 2018.
  - The development proposed is the demolition and redevelopment of existing equestrian centre to provide 17 no. dwellings (Class C3); widening and improvement to existing vehicular access and road off Coventry Road; and provision of associated parking, landscaping and surface water attenuation.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition and redevelopment of existing equestrian centre to provide 17 no. dwellings (Class C3); widening and improvement to existing vehicular access and road off Coventry Road; and provision of associated parking, landscaping and surface water attenuation at Waverley Riding School, Coventry Road, Cubbington, Warwickshire CV32 7UJ, in accordance with the terms of the application, Ref: W/18/0554, dated 19 March 2018, subject to the conditions set out in the attached Schedule.

### Procedural Matters

2. A completed deed of planning obligation made pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted and includes obligations to come into effect if planning permission is granted. This was submitted after the Hearing to allow it to be completed. I will address this matter later on in my decision.
3. Amended plans have been received during the course of the appeal process, prior to the Hearing. The amendment essentially split an initially proposed house into two flats, increasing the number of dwellings proposed to 17 overall. To ensure that no interested party was prejudiced by the amendments, the appellant undertook a consultation process. The Council is content with the amendment being submitted and the consultations undertaken. I am also content that the amendments can be accepted, and that no interested party would be prejudiced as a result of the appellant's consultations.

4. The description of development has been amended to take into account the additional dwelling, with 17 units now proposed rather than 16 as the original description on the application form stated.
5. The revision to the proposal would provide an additional affordable housing unit. This would result in the proposal offering a total of 7 affordable dwellings, which would equate to approximately 41% of the overall development. This meets with the Council minimum requirement of 40% affordable housing. At the Hearing the Council confirmed that they withdraw their relevant refusal reason (ii) and as such this is not a matter I shall pursue further.

### **Main Issues**

6. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies. This includes an assessment as to the effect the development would have on the openness of the Green Belt.
  - The effect of the proposal on the living conditions of future occupiers, with regards to accessibility of the site especially for pedestrians and cyclists.

### **Reasons**

*Whether the proposal is inappropriate in the Green Belt.*

7. The proposal is for 17 new dwellings on a site immediately adjacent to the village envelope and settlement boundary of Cubbington. The site is also within the designated West Midlands Green Belt. The houses and related development would replace existing equine buildings, including stables and a large indoor arena. The Waverley Riding School does not appear to be using the facilities currently, as was apparent from my observations on site.
8. Paragraph 143 of the National Planning Policy Framework (the Framework) indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In paragraph 145 it is stated that the construction of new buildings in the Green Belt should be regarded as inappropriate subject to a number of exceptions. This includes the limited infilling or the partial or complete redevelopment of previously developed land (PDL), so long as it would not have a greater impact on the openness of the Green Belt than the existing development. However, where affordable housing is proposed which contributes to an existing need, there should not be substantial harm to the openness of the Green Belt.
9. There has been no dispute that the site is previously developed land and that the extant use is equine related. As the proposal would be a redevelopment of previously developed land, even if it is currently redundant, then the exception stated above under paragraph 145g of the Framework is relevant. It is also the argument put forward by the appellant as to why the development is not inappropriate in the Green Belt.
10. Although 17 dwellings are proposed, their volume and footprint would be less than the current buildings. The appellant states that the proposals represent a 13.2% reduction in footprint and 6.5% reduction in volume over the existing buildings. The Council does not dispute these calculations. As such,

volumetrically, the proposal would have less of an impact on openness than existing.

11. However, the Planning Practice Guidance (PPG) states that “openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume” (Paragraph: 001 Reference ID: 64-001-20190722).
12. In this regard, it is clear that the proposed houses would occupy a much larger area of the site than the existing buildings, which have a more clustered layout. This clustered grouping of buildings has the effect of enabling much of the wider site to be open. However, the proposed development would result in two storey dwellings and garages, together with the associated paraphernalia of domestic houses, on land where there is currently no building. This layout would also result in an encroachment of built development to the north, away from the edge of the village of Cubbington.
13. The houses would be quite well visually contained within the boundary landscaping of the site, which is proposed to be supplemented with additional planting. However, from my observations on site I am not convinced that the development of 17 two-storey dwellings would be completely screened off from all public views. The development would also likely be more visible in the winter months when the vegetation is out of leaf.
14. The houses would provide a ‘looser’ form of built development than existing which would allow for views through the site. However, this would only be achieved as the development would spread across parts of the site which are currently almost fully open and without buildings. The new houses and outbuildings that are proposed to these open areas would therefore erode this openness overall.
15. Therefore, whilst the volume of development is less than exists at present, its geographical spread would be greater. This is, however, mitigated by the existing and proposed screening that would reduce the visual impact of the development on the site openness. Overall, I would consider this would result in a slight adverse effect to the openness of the Green Belt.
16. However, the Framework at paragraph 145 states that a development that re-uses PDL in the Green Belt and makes a contribution to affordable housing should not be considered to be inappropriate development unless the harm to the openness of the Green Belt would be substantial, which is a high bar in my opinion.
17. The proposal would provide 7 affordable housing units, which equates to approximately 41% of the total number of dwellings (17). The Council at the Hearing confirmed that there is an affordable housing need, which is apparent with the 40% policy requirement from new developments. The appellant has also drawn my attention to the affordable housing provision achieved in recent years within the Council area being under target. Whilst not a development of totally affordable housing, this provision of 7 units would make a significant contribution to the number and type of affordable homes in Cubbington and to help meet the need of the Local Authority area.
18. As stated above, I have found that the proposal would have a slight adverse impact to the openness of the Green Belt compared to the existing site and its

buildings. However, this would not result in substantial harm to the openness of the Green Belt. Considering that the proposal would contribute to meeting an identified affordable housing need within the area of the local planning authority, I do not regard the proposed development as inappropriate to the Green Belt within the terms of the Framework.

19. In this regard, the proposal is also in accordance with policy DS18 of the Warwick District Local Plan (2011-2029), which seeks to, amongst other things, seek to prevent urban sprawl that would prejudice the open nature of the Green Belt.

*Accessibility of the development proposed and its effect on living conditions*

20. The reason for refusal that the Council included in their Decision Notice for this issue was discussed at length in the Hearing. From our discussions it is clear that the primary concern from the Council on this matter is the access road that would connect the houses to Coventry Road. The Council considers that a combination of its length and design would dissuade pedestrians and cyclists from using this route, which may then result in more use of private vehicles instead. This would be the only access in or out of the development, with no linkages to the housing to the south.
21. However, the access road would serve a relatively small development and would not likely be a heavily trafficked route. In terms of its design, the access road would have a footpath for approximately half of its length, with the section nearest the proposed houses having a shared surface. The Council has not provided substantive evidence why this would be a substandard or even hazardous arrangement for pedestrians and cyclists, if vehicles were also using this road. Indeed, the Council has confirmed that there has been no objection from the Highway Authority.
22. The access road is not of a substantial length, being similar to the length of some of the nearby cul-de-sac streets for example. I see no reason why the length of the access road would dissuade people to walk or cycle along its route to continue towards the village centre for example.
23. Therefore, I would regard the proposed access road as being sufficient in all aspects to avoid highway safety issues or harm to the living conditions of future occupiers of the proposed development, in that it would not impede access from Coventry Road or the village itself, and would not likely dissuade people to cycle or walk for access. The proposal is therefore in accordance with policies BE1, BE3 and TR1 of the Warwick District Local Plan (2011-2029). These policies require developments to integrate with connecting streets and networks, not have unacceptable impacts to future occupiers of developments, and not be detrimental to highway safety, among other things.

**Planning Obligation**

24. The completed, signed and dated (2 September 2019) deed of planning obligation under Section 106 of the Town and Country Planning Act, 1990 (as amended), includes a number of obligations. Consideration of planning obligations is to be undertaken having regard to paragraph 56 of the Framework and the statutory requirements contained in the Community Infrastructure Levy (CIL) Regulations, 2010 as amended.

25. This includes provision of 40% affordable housing of which 80% would be for rental. The other obligations include contributions towards both indoor and outdoor sports facility provision, together with an open space contribution. The amounts and the obligation that payment be made prior to 50% of occupation of the dwellings proposed has been agreed by the Council. There will also be a payment per dwelling for a 'Sustainability Travel Pack' which would be due prior to commencement of development. Finally, there would also be a contribution of £10,000 towards delivery of speed reduction features near the access for example, which would be due for payment within three months of the commencement of development.
26. The justification for the infrastructure contributions, as discussed at the Hearing, demonstrates that they would be directly related to the development proposed, are fairly and reasonably related in scale and kind, and are necessary to make the development acceptable. I conclude that the obligations would comply with the requirements of the CIL Regulations and with the tests within Framework paragraph 56.

### **Other Matters**

27. The site is outside of the defined settlement boundary of Cubbington. However, policy H1 of the Warwick District Local Plan allows for development of sites that are in the countryside if they are adjacent to the boundary of a growth village (Cubbington is a growth village, as defined in the Local Plan policy H1) and there is an identified local housing need. The Council have stated that, whilst there has been approval of 120 houses nearby, the proposed houses would contribute towards an identified 'Windfall' requirement for the District. As such, there is no principle objection to the proposal based on its location outside the settlement boundary.
28. The additional houses would bring more people into the village, although as this is a development of just 17 dwellings, I have no substantive reason before me to show that this would result in overly stretched local facilities and services. The additional people living locally could also potentially help support local businesses. Although there is no link through to adjacent residential streets the occupants would not be cut off from the village, with the centre within a relatively short distance from the site.
29. I recognise that Coventry Road is a busy highway at certain times of the day, but the proposal includes improvements to the junction with the access road, with a highway contribution towards measures such as traffic calming to further improve the situation. From the evidence before me, the proposal would not result in congestion or safety related issues as a result of using what is an existing access, which is to be improved. Furthermore, I have no reason to expect any proposed rumble strips to result in a significant level of disturbance to nearby occupants.
30. The widening of the access road would cut slightly into the adjacent allotments. The owner of the allotments has written in, to state that they have no objections, but a condition should be attached to relocate the existing allotments to elsewhere within this site before the road is widened. There is also a condition included for landscaping details to be required. These details when submitted should avoid new planting which would adversely affect the adjacent allotments.

31. A tree survey has been included with the proposal and a condition recommended has included a requirement for tree protection measures. I recognise that works to the access road would likely be over some roots of trees which are in neighbouring gardens and so measures would need to be utilised to prevent any adverse impact to these trees, many of which are to the boundaries of the site. However, with the condition as recommended I am of the opinion this can be achieved.
32. The proposal would result in some lighting, but this is a relatively small development on the edge of the village and so its impact would likely be limited in terms of light pollution. However, there is a recommended condition which requires further detail to address this matter.
33. There would be some potential disturbance from the construction process, but this would be for a limited period of time. Furthermore, a condition is recommended for a construction method statement which would seek to address issues of noise and dust for example.
34. From the information submitted it is clear that there has been some issue of flooding at the site and on the adjacent area of Coventry Road. However, the site is in Flood Zone 1 so a Flood Risk Assessment is not necessary. With the proposal was a submitted drainage strategy which included the provision of an on-site balancing pond. Following the submission of this additional information, the Lead Local Flood Authority has confirmed there is no objection to the development, subject to a condition for full details of drainage. From the information before me, I have no substantive reasons to regard drainage being an issue that could not be resolved through use of a condition.
35. It has been brought to my attention that there are a variety of birds at the site and the adjacent allotments. The Council has made clear that nesting birds should not be impacted by the development. A condition is attached to address the issue of nesting birds, together with other ecology related conditions. Subject to conditions, I note there is no objection from the Council Ecologist.
36. I understand the line of the HS2 is near the site, but I have no substantive evidence before me why the proposal should be affected by this or vice versa. As such, this is not a reason to dismiss the appeal.

### **Conditions**

37. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
38. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.
39. Full details of a soft landscaping scheme are required by a condition, which should safeguard the visual amenities of the site. This landscaping scheme should also have regard to the ecological requirements such as habitat enhancement. There were two separate landscaping conditions suggested by the Council, though I have merged these due to the similarities of the requirements.

40. There are other conditions necessary in the interests of ecology enhancement and preservation, such as a condition requiring details of lighting, a condition requiring nesting boxes, and also a condition stating that an ecologist must be on site when demolishing or removal of potential reptile habitats or birds nests, which also sets out what would be needed if habitats were disturbed.
41. There is a condition which requires full drainage details, which should be of a sustainable form. This would be necessary to avoid issues of potential flooding of the development.
42. Electric charging points are required for each house by another condition, in the interests of sustainable transport.
43. Water supplies and fire hydrant details are required via condition, to aid with dealing with any future fire at the development involving the Fire Service.
44. Due to potential archaeology at the site, an archaeological written scheme of investigation is necessary and required by condition. This also sets out the need for an Archaeological Mitigation Strategy document.
45. The site is near existing dwellings. As such, a construction method statement is required by condition to safeguard neighbour amenities through the course of construction.
46. Due to existing trees on or near the site area, including the access road, it is necessary to require by condition both an arboricultural method statement and tree protection measures to be in place to safeguard trees and their roots, including through the construction process.
47. A condition requiring the access and road layout to be constructed and laid out in accordance with the submitted plans and information has been included. This should be done before any dwelling is occupied, to ensure safe and appropriate access for these future residents.
48. Finally, there is a condition which, following discussion at the Hearing, has been included, to require a scheme for the replacement of that part of the existing allotment plots which would be lost as a result of the road widening. This should ensure there is no loss of overall allotment provision.

### **Conclusion**

49. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed, subject to the following conditions.

*S. Rennie*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

|                     |                                   |
|---------------------|-----------------------------------|
| Mr Peter Frampton - | Planning Consultant               |
| Mr Daniel Hatcher - | Planning Director – Rosconn Group |
| Mr David Neil -     | DTA Transport Consultant          |

### FOR THE COUNCIL:

|                   |                            |
|-------------------|----------------------------|
| Ms Lucy Hammond - | Principal Planning Officer |
| Mr David Butler - | Planning Policy Officer    |
| Mr Max Howarth -  | Council Solicitor          |

### INTERESTED PARTIES:

Councillor Trevor Wright  
Councillor Pamela Redford  
Mr Paul Almond – Neighbour to the site

### DOCUMENTS SUBMITTED AT THE HEARING:

- Extract from Manual for Streets
- Cubbington Road Safety Audit Review by Mott MacDonald
- Photographs of trees on the boundary with the site and also of flooding on Coventry Road;
- Letter from Godfrey-Payton Chartered Surveyors, as managing agents for the Coventry Diocesan Board of Finance, regarding the allotments.
- An extract from Planning Policy Guidance with reference the Green Belt (Paragraph 001)
- Warwick District Local Plan
- Warwick District Council – Authority Monitoring Report 2018/2019
- Appeal Decisions ref: 3171169 (Wheatly Riding Centre) and 3200416 (Land at Tanyard Farm);

## **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3270-04B, 3270-05C, 3270-06B, 3270-07A, 3270-10, 3270-12, 3270-13, 3270-14, 3270-15, 3270-16 and 3270-17, and specification contained therein, submitted on 19 March 2018 and revised drawings 3270-02P and 3270-11B, and specification contained therein, submitted on 15 March 2019.
3. No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
4. Prior to the first occupation of the development hereby permitted details of all external light fittings and external light columns shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition, the Local Planning Authority expects lighting to be restricted on the eastern and southern boundaries and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could potentially be achieved in the following ways:
  - Lighting should be directed away from vegetated areas
  - Lighting should be shielded to avoid spillage onto vegetated areas
  - The brightness of lights should be as low as legally possible;
  - Lighting should be timed to provide some dark periods;
  - Connections to areas important for foraging should contain unlit stretches.
5. Other than site clearance and preparation works, no works shall commence on the construction of any dwellings of the development hereby permitted until a scheme for the provision of suitable nesting boxes for swallows to be erected on new buildings within the site has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the platform(s)/box(es) shall be installed and maintained in perpetuity.
6. The development hereby permitted shall be undertaken in the presence of a qualified ecologist appointed by the applicant to supervise all destructive works to suitable reptile habitat as identified in the report 'Preliminary Ecological Appraisal' produced by Cotswold Wildlife Surveys on 8th January 2018 and inspect the buildings for evidence of nesting birds immediately prior to commencement of works. All refugia to be removed carefully by hand. Should any reptiles such as grass snake be found during this operation, then destructive work must cease immediately whilst Warwickshire County Council Ecological Services are consulted for further advice. If evidence of nesting birds

is found works must not proceed until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

In order to discharge the condition above, a brief report from the ecologist must be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

7. No works to commence on site, including site clearance, until a combined landscaping and ecological scheme has been submitted to and agreed by the Local Planning Authority (with advice from Warwickshire County Council Ecological Services). The scheme must include all aspects of landscaping including details of species planting and habitat enhancements. The agreed scheme to be fully implemented before/during development of the site as agreed with the Local Planning Authority as part of the scheme details.

The details shall include updated soft landscaping details to include local species appropriate for the site location, including full details of all works to enhance existing boundaries. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally 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.

8. Each dwelling shall be provided with an operational charging point for an electrically powered vehicle prior to first occupation of that dwelling in accordance with a scheme which will have first been submitted to and approved in writing by the Local Planning Authority.
9. Other than site clearance and preparation works, no works shall commence on the construction of any dwellings of the development hereby permitted until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include:
  - a) Infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS).
  - b) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
  - c) Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change)

critical rain storm has been limited to the QBAR runoff rates for all return periods.

- d) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- e) If discharging to a drainage system maintained/operated by other authorities (internal drainage board, highway authority, sewerage undertaker), evidence of consultation and the acceptability of any discharge to their system is presented for consideration.
- f) Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- g) Provide a Maintenance Plan to the LPA giving details on how the entire surface water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

10. The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. The water supplies and fire hydrants shall be retained as approved thereafter.

11. No development, other than the demolition of existing buildings and yardage shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.
- c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

12. 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. The construction method statement shall also adhere to the following restrictions:

*Noise*

1. Work which is likely to give rise to noise off-site is restricted to the following hours: -
  - Mon-Fri 8 am - 5pm,
  - Sat 8am -1pm,
  - No working Sundays or Bank Holidays.
2. Delivery vehicles are not allowed to arrive on site;
  - Mon – Fri before 8am or after 4.30 pm
  - Sat before 8am or after 1 pm
  - No deliveries on Sundays or Bank Holidays.
3. Delivery vehicles are not be permitted to wait outside the construction site before the site is open for working.
4. Best practicable means shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites'.

Without prejudice to the generality of the Contractor's obligations imposed by the above statement, the following shall apply:

5. All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.
6. All compressors shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.

7. Whenever possible only electrically-powered plant and equipment shall be used.
8. Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or their representative.
9. All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

#### *Dust*

10. Unloading shall only take place within the site itself.
11. Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions damping down of road surfaces should be carried out to control dust. a vehicle wheel wash will be provided to minimize carry-over to the highway.
12. On-site dust shall be controlled by use of "best practicable means" to prevent dust arising from road surfaces, wind whipping of stockpiles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

#### *Smoke*

13. There shall be no burning on site.

#### *Light*

14. External work lighting, flood lighting, security lights must not cause light nuisance to neighbouring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare. Other measures may be necessary to prevent nuisance subject to the nature of the construction work and site location. Further advice can be obtained from [ehpollution@warwickdc.gov.uk](mailto:ehpollution@warwickdc.gov.uk)

13. Notwithstanding the details already submitted, no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until an arboricultural mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include details of the methodology (e.g. areas of no-dig, hand dig etc) for all works within the root protection areas of any trees adjacent to the access road and thereafter the development shall be carried out strictly in accordance with the approved details.

The tree protection measures identified in the approved application documentation shall be put into place in full accordance with the approved details and be in place for the full duration of any construction works.

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 trees; no equipment, machinery or structure shall be attached to or supported by a protected trees; 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 trees 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 trees.

14. The development shall not be occupied until the site vehicular access and site layout have been constructed and laid out in accordance with Drawing Number 17380-04-05 Revision B (within the submitted Road Safety Audit Stage 1) and Drawing Number 3270-02 Revision P, and to the standard specification of the Highway Authority.
15. No works to widen the access road, including marking out, shall take place until a scheme for the replacement of that part of the existing allotment plots required for the road widening, including a timetable for delivery, has been submitted to and approved in writing by the Local Planning Authority. The replacement allotments/allotment areas shall be provided in accordance with the agreed timetable.

## **End of Conditions**

