

**Application No:** W 14 / 0404

**Town/Parish Council:** Leamington Spa  
**Case Officer:** Penny Butler

**Registration Date:** 07/04/14

**Expiry Date:** 02/06/14

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**5-6 Milverton Crescent West, Leamington Spa**

Demolition of two buildings, retention of coach house and conversion into a single dwelling, and erection of six new dwellings and provision of car parking.  
(Resubmission of W13/0681) FOR Lewis & Lewis

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

**RECOMMENDATION**

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

**DETAILS OF THE DEVELOPMENT**

The application proposes the demolition of two of the existing buildings, the retention of the existing coach house and the conversion of this into a single dwelling and the erection of six new dwellings (creating seven dwellings in total). The centre of the three existing accesses is proposed to be retained, while the other two would be closed off. Access is proposed to be provided under an archway to a rear parking area. Six of the dwellings would form a terrace fronting onto Milverton Crescent West, ranging from two to three storeys in height. The seventh dwelling would be a two storey structure situated alongside the rear boundary of the site, fronting onto the car park. The width of the undercroft access has been increased from the 4m proposed under the previous application to 5m, and the parking areas have been revised in layout.

**THE SITE AND ITS LOCATION**

The application site is situated on the western side of Milverton Crescent West. The site comprises nineteenth century two-storey former mews / stable buildings and an external yard. The surrounding area is predominantly residential in character. It is likely that the site originally provided stables / grooms quarters serving the larger houses on the opposite side of Milverton Crescent West.

The application site has been vacant for a number of years but the buildings were formerly used as carpentry and engineering workshops, a car repairs business and as a builder's yard. The eastern boundary of the site is enclosed by a high brick wall along the boundary with Milverton Crescent West through which

vehicular access is available. The yard to the rear is overgrown with pockets of scrub vegetation and is surrounded by tall boundary walls.

The site is situated within the Leamington Spa Conservation Area. There are a mix of residential properties within the area. The east side of Milverton Crescent West (opposite the application site) contains listed Regency houses and modern flats standing on the site of a large Victorian house that has been demolished. The west side of Milverton Crescent West comprises mainly mews houses.

The application site backs onto the rear of the dwellings at no's. 24-34 Union Road, no's. 53-69 Rugby Road and Henry Tandey Court. The northern boundary of the site adjoins a small garage business carrying out vehicle repair and maintenance which operates Monday - Friday 9am - 6pm and on Saturday mornings.

### **PLANNING HISTORY**

In 1967 planning permission was granted for "Use of dwelling as store / offices" (Ref: 12197).

In 1972 planning permission was granted for "Alterations to dwelling and builder's store" (Ref: 15077).

In 1972 planning permission was granted for "Extension, 3 dwellings and use as builder's yard and offices" (Ref: 15679).

In 1990 planning permission was granted for "Alterations to existing vehicular access" (Ref: W90/0401).

In 1993 planning permission was refused for "Erection of extension to storage area at first floor" (Ref: W93/0311). The reason for refusal was as follows: *"In the opinion of the District Planning Authority, the proposed development would result in the over intensification of a non-conforming use, within a predominantly residential area, to the detriment of the amenities of nearby residents by reason of additional traffic and lack of adequate car parking facilities".*

In 2006 Conservation Area consent was refused for the demolition of No. 6 Milverton Crescent West (Ref: W06/0073CA). The reason for refusal related to the absence of a detailed proposal for its replacement and suitable evidence to demonstrate a case for demolition on grounds of contamination or structural defects.

In 2011 planning permission and Conservation Area consent were granted for "Erection of 5no. 3 bed dwellings and 1no. 1 bed dwelling after partial demolition of existing buildings" (Ref's: W09/0251 & W09/1403CA). This permission has recently lapsed.

In 2013 planning permission was refused for "Demolition of two buildings with retention of one; change of use to residential use and erection of seven dwellings and car parking" (Ref W/13/0681). The Council's reasons were firstly,

unacceptable harm to the living conditions of neighbouring dwellings and that the proposals would not provide a satisfactory living environment for future occupants of Unit 1. Secondly, the loss of a traditional building and the inappropriate design and form of the proposed replacement buildings are considered to result in significant harm to the character and appearance of the Conservation Area. Thirdly, as a result of the substandard off-street parking provision and access arrangements the proposals would be detrimental to highway safety. Fourthly, the proposals make inadequate provision for the storage of refuse and recycling, which will potentially result in unsightly bin storage on the site frontage and potentially on the public highway and rear parking area, to the detriment of highway safety and the visual amenities of the area. Finally, in the absence of an updated bat survey, the applicant failed to demonstrate that the proposal will not harm bats.

This application was the subject of an appeal which was dismissed in February 2014. The Inspector confirmed the relevant policy test relates to paragraph 14 of the NPPF, since the Council cannot demonstrate a five year supply of deliverable housing sites, the test is whether the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. He was satisfied with the alterations and extensions to no.5. The replacement building at no.6 was considered to lack detailing and variation to its windows, was bulky, relatively plain and particularly apparent in the street scene due to its position close to the back of the footway. The stepped frontage was not sufficient to break up its overall mass or vary its appearance, and would fail to preserve the character and appearance of that part of the Conservation Area. It would also cause harm by providing a continual built frontage at a height of two storeys or greater broken up by a relatively narrow bridged entrance. Bin storage in the front gardens would also have been unsightly.

The Inspector was satisfied the proposal "would not have a significant adverse effect on the living conditions of the occupiers of adjacent dwellings and would provide acceptable living conditions for future occupiers of the proposed dwellings", thereby complying with Policy DP2. He had concerns regarding turning space for vehicles and the entrance width which raised highway safety concerns which were not in themselves sufficient to refuse planning permission, but added to the harm caused by the proposal. An adequate bat survey was provided to the Inspector to satisfy the final reason for refusal. The development also triggered a need for a contribution to be made towards public open space in accordance with the SPD Open Space.

### **RELEVANT POLICIES**

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- The emerging Warwick District Local Plan 2011 - 2029

## **SUMMARY OF REPRESENTATIONS**

**Royal Leamington Spa Town Council:** An objection is raised for the following reason. Members welcomed new housing on this site but the density of properties is likely to cause issues with highway safety both on and off-site.

**Public response:** Six objections received raising the following concerns:

- Harm to character of Conservation Area
- Harm to neighbouring amenity arising from loss of privacy, overlooking, loss of light, increased noise and disturbance.
- Increase demand for on street parking in a high demand area, insufficient provision of on site parking, and loss of parking spaces in front of site. The road is so narrow that access is regularly impeded, leading to prevention of access by emergency vehicles.
- Loss of parking and disturbance during construction
- Noise from car park
- Overdevelopment of site. Three or four dwellings on the site would be more appropriate.
- Inaccurate plans underestimate distances to neighbours

**WCC Ecology:** Recommend a condition requiring supervision of works by a bat worker.

**WCC Highways:** Raise objection as the undercroft access width is 5m wide when it should be 5.5m, the visibility splays are insufficient and can only provide 9m in one direction when it should be 33m, and two parking spaces should be 3m wide when they are 2.4m since they are adjacent to a wall.

**WDC Neighbourhood Services (Open Space):** Recommend that an off-site contribution towards the provision or enhancement of public open space is sought, in accordance with the contribution rates set out in the Open Space Supplementary Planning Document.

**WDC Environmental Health:** Recommend a condition to require an updated contaminated land assessment to be carried out. Confirm that they are satisfied with the proposed noise insulation scheme contained within the internal noise survey report, but note that this would require the compressor in the adjacent garage premises to be relocated. Recommend a condition to require the implementation of the noise insulation scheme. Also raise the issue of the bedroom over the access potentially experiencing noise from the operation of the access gates and the movement of vehicles underneath.

**WDC Waste Management:** The bin areas should be large enough to accommodate 1 x grey wheeled bin for refuse, 1 x green wheeled bin for organic waste and at least 1 red box and 1 bag for recycling for each property.

## **ASSESSMENT**

This application has been submitted to address the reasons for refusal provided by the Inspector to the recent appeal. The amendments made to the previous application are as follows:

- Provision of arched window and door heads on front elevation of new dwellings
- Front gable to left hand unit removed
- New gable proposed to right hand unit
- The access width has been increased to 5m
- Parking layout amended
- Bin storage is provided in the rear gardens

The main considerations in the determination of this application are:

- principle of development;
- the impact on the living conditions of neighbouring dwellings and provision of a satisfactory living environment for future occupants of the proposed development;
- the impact on the character and appearance of the Conservation Area;
- car parking and highway safety;

- refuse and recycling storage;
- protection of bats;
- housing mix; and
- contaminated land.

### Principle of development

Since the Council cannot demonstrate a five year supply of deliverable housing sites, paragraph 14 of the NPPF is engaged which requires permission to be granted unless the adverse effects of the development would significantly outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Policy UAP1 of the Warwick District Local Plan 1996-2011 seeks to direct new residential development to previously developed land and buildings subject to compliance with other policies, however, this policy cannot be considered up to date and therefore carries very little weight due to the lack of a five year supply. The application site comprises of a vacant car repairs unit and builder's yard which falls within the definition of previously developed land.

Policy SC2 of the Warwick District Local Plan 1996-2011 states that redevelopment or changes of use of existing and committed employment land and buildings for other uses will not be permitted unless one of four (a-d) provisos apply. A 'Statement on Employment Land' has been submitted by the applicants in support of this application, which includes a land use plan of the area highlighting the primarily residential nature of the area, interspersed with some community, small retail and small business premises.

The location and nature of the application site within an established residential area make it inappropriate for the site to be reused or redeveloped for employment use. Indeed, one of the reasons for refusal of planning application W93/0311 was that *"it would result in the over intensification of a non-conforming use within a predominantly residential area"*. Whilst there are a small number of other non-residential uses in the area, these are considered to be generally appropriate to the residential area and serve the community. While some low key business uses can co-exist satisfactorily with residential, in this instance the use of the premises has come about from established use over time and is uncontrolled by planning conditions. It is therefore not possible to ensure that a satisfactory environment can be maintained. Furthermore, the location of the site within a residential area means that traffic would be attracted into a residential street where there is little off street parking available which could have an adverse impact on highway safety and residential amenity.

It has therefore been concluded that the circumstances set out in Policy SC2a have been demonstrated and the proposed development would be in accordance with this policy (i.e. the location and nature of the site within an established residential area make it inappropriate for the site to be reused or redeveloped for employment use).

For the above reasons it is considered that a redevelopment for residential purposes would be in accordance with Local Plan Policies UAP1 and SC2 and would therefore be acceptable in principle.

Impact on the living conditions of neighbouring dwellings and provision of a satisfactory living environment for future occupants of the proposed development

The Inspector for the recent appeal looked carefully at the impact on neighbouring properties. The proposed development would contravene the Council's Distance Separation Supplementary Planning Guidance (SPG) in relation to the adjacent dwellings in Union Road. The distance between the first floor of Unit 7 and the rear elevation of No's. 24 and 26 Union Road would only be 10m, whereas the SPG requires a minimum of 12m. Unit 7 would also extend across the whole of the rear aspect of those dwellings. However, the Inspector considered since windows facing 24 and 26 would be in the form of roof lights and a shower room window that would be obscure glazed, this would ensure there would be no unacceptable loss of privacy to these properties.

There would also be a substandard separation distance between the front elevation of Unit 7 and the rear elevation of the adjacent dwellings in Rugby Road (20m as measured from the ground floor bay window and 20.5m as measured from the first floor) - the Distance Separation Guidelines require a minimum 22m between the fronts and / or backs of dwellings. The Inspector considered this issue and was satisfied that there would be no loss of privacy to these residents as the windows would be far enough away given that there is a boundary wall that would be retained between them. He also noted the Standards indicate there is a degree of flexibility in the standards.

In terms of light and outlook, the Inspector considered the existing relatively high boundary walls with properties in Union Road and Rugby Road which would be retained, and the fact that Unit 7 would be stepped away from the boundary. He considered Unit 7 small and far away enough from the facing windows of, and parts of gardens nearest to, surrounding properties to ensure no significant resulting harm to their living conditions.

Living conditions for occupiers of Units 1 and 7 which face each other the development were also considered acceptable given that nearest part of Unit 7 is single storey. The layout determined by the Inspector has not changed, therefore taking his decision into account, it is now considered that the development would not cause significant harm to surrounding occupiers or the future occupiers of the development. The proposals are therefore considered to comply with Policy DP2 in this respect.

Each property benefits from private amenity space which is considered to be appropriate to the size and location of the dwellings.

The proposed development would not breach a 45-degree sight-line in relation to the properties at Henry Tandey Court or 4 Milverton Crescent West.

Unit 6 would share a party wall with Crescent Garage. Noise and vibration reports have been submitted with the application and include details of mitigation measures. Environmental Health have accepted the findings of these reports. However, as Crescent Garage is not within the control of the applicant it will not be possible to secure the removal of the compressor unit by condition. Nevertheless, it is considered that a condition requiring the submission of further noise attenuation measures to supplement those recommended in the reports would be sufficient to avoid a statutory noise nuisance and sub-standard living accommodation.

A condition could also be imposed to deal with the issue of potential noise from the access gates affecting the proposed bedroom above.

#### Impact on the character and appearance of the Conservation Area

The amended scheme has been subject to significant discussion following the Inspector's decision. The present scheme is considered to respond better to the replacement of the existing bulk and scale of the buildings being demolished. The design of the new taller dwellings as relatively narrow/tall gables responds to the buildings of a similar character at the corner of Milverton Crescent West and Rugby Road. The remainder of the buildings have now been stepped down to two storeys at the front with an archway access over the vehicular entrance, and this is considered to present an acceptable interface between the three and two storey buildings. The detailing is also improved on the front elevation. A condition can be imposed to require appropriate large scale detailing for the Conservation Area, to include windows, barge boards, doors, dormers, Dutch gable and rear balconies.

The Inspector was satisfied with the structural report and justification submitted to justify demolition of the whole of no.6, so this is no longer considered unacceptable despite the conflict with Policy DAP9 which sets out a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. Subject to appropriate detailing as noted above, the replacement building should preserve the Conservation Area.

For the above reasons it is considered that the proposals would now not cause unacceptable harm to the character and appearance of the Conservation Area.

#### Car parking and highway safety

The Council's Parking Standards SPD requires a total of 13 off-street parking spaces for the proposed development. However, the scheme only provides 11 spaces. The Inspector was content with this provision given the sustainable location of the site, and there is no objection to the provision from the Highway Authority, therefore there is no outstanding reason for refusal on this point.

The access width has been increased in width from 4m to 5m, but remains substandard as it should be 5.5m. Insufficient visibility is provided for vehicles exiting the site due to the siting of proposed dwellings forwards of the access



point. 9m is provided in a northerly direction when it should be 33m, however, it is noted the Highways Authority do accept that this is a relatively lightly trafficked location and a residential street where traffic speeds are generally lower, so there can be some flexibility on the standard requirement, but not to the extent proposed. Two parking spaces remain a substandard width but amended plans are expected to be received which would remove this objection. The scheme has therefore been improved in highway safety terms since the previous refusal, but not to the extent that satisfies the Highway Authority.

The Inspector was explicit in his decision stating that "the Highway Authority's concerns about highway safety and convenience would not be sufficient on their own to refuse planning permission" and "I accept that on transport grounds its residual cumulative impact would not be severe". The NPPF states that development should only be refused on transport grounds if the residual cumulative impacts of development are severe (para. 32). The NPPF also requires that since this is a housing application, any adverse impacts must significantly outweigh the benefits for permission to be refused (para.14). Despite the concerns relating to visibility and access, it is clear that the residual impacts would not be severe, and that the adverse impacts would not outweigh the benefits of the scheme which consists of the provision of housing to meet unmet housing supply, the provision of employment during construction and the removal of a potentially harmful commercial use in a mainly residential area. The proposal would therefore comply with the recommendations of the NPPF, despite conflicting with Local Plan Policy DP6 and causing harm to highway safety.

#### Refuse and recycling storage

Dedicated bin storage areas are now provided within the rear gardens of the dwellings, therefore this former reason for refusal no longer applies, as there would be no detriment to the street scene.

#### Protection of bats

A bat survey was carried out in 2013 which is now acceptable, and the County Ecologist is content for the development to proceed subject to supervision of works.

#### Housing mix

Policy SC1 of the Warwick District Local Plan 1996-2011 states that "Residential development will not be permitted unless it makes provision for a range of sizes and types of dwellings in all appropriate cases". The Council's Development Management Guidance: "Mix of Market Housing on New Development Sites" (June 2013) goes on to state that in housing schemes of less than 25 dwellings, houses should be provided in preference to flats and that the mix of houses should include mainly 2 and 3 bed small/ medium family homes with gardens. The proposal therefore accords with this policy position, providing 2 no. 2 bedroom dwellings, 3 no. 3 bedroom dwellings and 2 no. 4 bedroom dwellings.

#### Contaminated land

A contaminated land survey report was submitted with this application which identified contamination and recommended a variety of remediation methods for consideration. Environmental Health have advised that an updated contaminated land assessment is required and have recommended that a condition is imposed to require this prior to the commencement of development.

#### Other matters

The applicant has agreed in principle to make a contribution towards the enhancement of public open space, which can be secured by condition to meet the requirements of the Council's Open Space SPD.

The application proposes the installation of solar photovoltaic panels to meet 10% of the predicted energy requirement of the proposed dwellings. This would meet the requirements of Local Plan Policy DP13 and the associated SPD.

The previous application included confirmation from Severn Trent Water that an unrestricted foul water discharge from the new properties would be permitted into the 225mm diameter public combined water sewer in Milverton Crescent West. A condition could be imposed to require full drainage details.

Neighbours have raised concerns about noise from construction works. This would be a temporary impact and, if an issue were to arise, this would be dealt with by Environmental Health under Environmental Protection legislation.

Neighbours have also raised concerns about the impact on parking on street during demolition and construction works. This would be a temporary impact that would not justify a refusal of planning permission.

#### **SUMMARY / CONCLUSION**

It is considered that the scheme addresses the reasons for refusal previously given by the Planning Inspector, and that the proposal therefore protects the Conservation Area and provides adequate refuse storage. The residual impact on highway safety would not be severe, and the harm caused to highway safety does not outweigh the benefits of the proposal. The application should therefore be approved as it would accord with the policies listed aside from DP6.

#### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (1525/1A; 1525/2B submitted on 17 March 2014. 1525/7A submitted on 12 May 2014), and specification contained

therein. **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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **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.

- 4 No development shall take place 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.

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

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.
4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
- 5 Before the use commences, the building shall be insulated in strict accordance with the noise insulation scheme detailed within the internal noise survey report submitted with the application and thereafter such works shall not be removed or altered in any way without the prior written approval of the local planning authority. This shall be supplemented with a site visit from Environmental Health to witness the pre-completion sound insulation testing prior to internal decoration. The applicant shall also confirm that there has been no change to the surrounding environment or equipment in the adjoining garage/MOT centre that would adversely affect the findings of the submitted survey. **REASON:** To ensure that the level of noise inside the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the future occupiers in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 6 Unit 2 hereby permitted shall not be occupied unless and until the unit has been insulated against noise and vibration through the structure from the gates beneath, and from vehicles passing underneath the unit, in accordance with a scheme to be submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the dwelling as a satisfactory standard of amenity in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.
- 7 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. In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the Local Planning Authority (with advice from WCC Ecological Services). **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.

- 8 The development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 9 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 and which are within the Warwick District Council Conservation Area. 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.
- 10 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance

with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

- 11 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), dormers, the Dutch gable, balconies, eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 12 The roofing material for the development shall be natural slate, a sample of which shall have been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 13 All window frames shall be constructed in timber, painted and not stained, and be of a sliding sash type set in reveals of 75mm from the face of the building. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 14 All rainwater goods for the development hereby permitted shall be metal. **REASON :** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
- 15 The dwellings hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning

facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011.

- 16 The development shall be carried out only in full accordance with sample details of the bricks and slates which 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.
  - 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows, roof lights or openings (apart from any shown on the approved drawings) shall be formed in the rear or side facing elevations of Unit 7. **REASON:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
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