

Planning Committee: 03 May 2005

Principal Item Number: 07

Application No: W 04 / 2143

Registration Date: 02/12/2004

Town/Parish Council: Leamington Spa

Expiry Date: 27/01/2005

Case Officer: Alan Coleman

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**Archway House & Droskyn, Kenilworth Road, Leamington Spa, CV32 5TL**

Demolition of existing dwellings, erection of a detached building containing 13 apartments on 3 and 4 floors, erection of a detached one and half storey dwelling to the rear, construction of new vehicular access FOR Milcel Ltd

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**SUMMARY OF REPRESENTATIONS**

**Town Council:** *Objection is raised for the following reasons:*

- 1. The development proposed will result in unacceptable intrusion and loss of privacy to those immediate neighbouring dwellings, by virtue of the over dominance of the apartments. In this context the application is therefore considered contrary to Policy DP1 of the Local Plan, in that it does not respect the surrounding buildings in terms of scale, height or form.*
- 2. The demolition of the existing pair of houses, which are perfectly sound units of accommodation, is considered unnecessary.*
- 3. The generation of significant numbers of additional vehicles onto the busy Kenilworth Road, in proximity to the entrance to a school, would be detrimental to highway safety.*
- 4. The proposal would result in the loss of a significant area of amenity space that presently provides natural habitat for wildlife."*

**Highway Authority:**

*"Due to the three-lane carriageway, the right turn out of the development site bears a risk of conflict as drivers have to cross the southbound lane and the northbound right turning lane to get into the northbound inside lane. This may also create weaving movements when drivers got on the right turning lane and then are trying to get into the northbound inside lane. Visibility may be restricted due to queuing vehicles in either direction. At busy times, drivers may become impatient and take risks in the face of oncoming traffic. This may be exaggerated when drivers at the same time wait to turn in and out of the site. Drivers may be tempted to turn left out of the site instead, with the intend of turning at another location eventually, which may or may not be safer. This would also result in increased traffic movement.*

*Drivers in the northbound direction may approach the entrance to the site on the right turning lane. Following drivers may misread their intend to turn right into the site as an intend to turn right at the signal controlled crossroads. This could result in rear-end shunt incidents or drivers becoming impatient and attempting to undertake, again resulting in weaving movements."*

**Amended Plans**

*"In response to further discussion, the applicant has re designed the proposed vehicular access in order to provide drivers with 'left only' when entering the highway.*

*This modification as shown on drawing No 1099/03h is acceptable to both TMS Safety Audit Engineer and WCC Road Safety Unit.*

*In the circumstances there are no longer highway objections subject to the following:*

*Detailed engineering drawing of proposed access to be submitted for approval by the District/County Planning Authority.*

*The use of the site hereby permitted shall not be occupied until all parts of existing accesses to Kenilworth Road, not included in the proposed means of access, have been permanently closed and the public highway features, including the kerb line have been reinstated in accordance with details approved in writing by the District /County Planning Authority."*

**WCC Planning:** The proposal complies with the General Development policies of the Structure Plan which direct most new residential development to towns with more than 8,000 people. Commuted sums of £23,392.00 (education), £1,208.00 (library) and £1,092.00 (public transport) will also be required in relation to the proposals to be secured by a Section 106 Agreement.

**WCC (Ecology):** Recommend a bat survey is undertaken to establish the location of any bat roost(s) and to identify suitable mitigation measures for their protection during and after demolition/redevelopment.

**WDC (Leisure & Amenities):**No objection.

**Neighbours:** 22 letters of objection on grounds relating to:-

- harm to highway safety from a) increase in traffic movements onto a busy main road in the vicinity of a school, particularly at peak times, and b) inadequate car parking leading to an increase in demand for roadside parking on a busy main road and surrounding streets that currently experience problems of congestion;
- harm to neighbouring residents amenities from loss of privacy through overlooking, over dominant, over bearing and intrusive visual impact, restricted sun and daylight and noise and disturbance arising from the intensification in the residential use of the site and unfettered movement of vehicles;
- inappropriate overdevelopment of site that would
  - a) harm the ecological and environmental character and appearance of the site and surrounding area by the loss of established trees, the impact on the continued health of existing trees to be retained from construction works/pressure for felling by future residents and the loss of the open and unspoilt nature of the garden land, and;
  - b) constitute unacceptable piecemeal development on a site of restricted size that would be out of character with the existing pattern of development in the locality;
- harm to the character and appearance of the street scene and setting of the adjacent conservation area by reason of the siting, size, scale, design, mass, width, depth, height and bulk of the development in itself and in relation to neighbouring properties, contrary to the principles of the Rock Townsend Report relating to design of new development for Leamington Spa.

## **RELEVANT POLICIES**

### **National Statements of Planning Policy**

Planning Policy Guidance Note 1: *General Principles*

Planning Policy Guidance Note 3: *Housing*

Planning Policy Guidance Note 13: *Transport*

### **Warwickshire Structure Plan 1996-2011**

Policy GD.1 (overriding purpose)

Policy GD.3 (overall development strategy)

Policy GD.4 (strategic constraints)

Policy GD.5 (development location priorities)

Policy ER.1 (natural and cultural environmental assts)

Policy H.1 (provision of housing land)

Policy H.3 (greenfield land for housing)

Policy T.1 (transport objectives)

Policy T.4 (the impact of development on the transport system)

Policy T.5 (influencing transport choice)

### **Warwick District Local Plan 1995**

Policy (DW) ENV3 (Development Principles)

Policy (DW) ENV3A (Sustainable Development and Energy Conservation)

Policy (DW) H5 (Infill development)

Policy (DW) H22 (Intensification of Residential Uses)

NB. Planning Committee on 28th January 2002 resolved that policies H22 (on housing density) and T7 (car parking) were not in conformity with the Warwickshire Structure Plan.

### **Warwick District Local Plan 1996-2011 (First Deposit Version)**

Policy DP1 (Layout and Design)

Policy DP2 (Amenity)

Policy DP3 (Natural Environment)

Policy DP5 (Density)

Policy DP6 (Access)

Policy DP7 (Traffic Generation)

Policy DP8 (Parking)

Policy UAP1 (Directing New Housing Development).

Policy SCP1 (Securing a Greater Choice of Housing)

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

## **PLANNING HISTORY**

Planning application W20041603 for the erection of a detached building of 12 apartments and 2 no. detached dwellings at the rear of the site was withdrawn on 26 October 2004 in light of highway safety concerns and to allow consideration of the current revised application.

In the immediate vicinity of the application site, planning permission was granted by this 'Committee at the last meeting for the conversion of the 'Peacehaven' residential care home at 12 Kenilworth Road to 4 flats and 3 maisonettes and erection of a linked detached dwelling to coach house at rear (WDC Ref: WO5/0041). An application for erection of a bungalow at the rear of the neighbouring property at 14A Kenilworth Road was refused in 1997 under application W970790, which was subsequently dismissed at appeal.

## **KEY ISSUES**

### **The Site and its Location**

The site comprises 2 no. detached 2-storey dwellings known as 'Archway House' and 'Droskyn' that stand on the eastern side of Kenilworth Road within a predominantly residential area adjoining the Leamington Conservation Area. The site has a total area of 0.288 ha and contains a number of mature trees and shrubs, including a Scots Pine tree which is covered by a Preservation Order. The site is adjoined by the rear gardens of neighbouring houses in Kenilworth Road and Lillington Avenue to the north and Arlington Avenue to the east. The grounds of the apartment building at Parmiter House and the gardens of 14 and 14a Kenilworth Road adjoin the site to the south. Archway House abuts the boundary with Nos. 14/14a and is separated from it by the width of the driveway serving these properties. The main entrance to No. 14 is within the side elevation which also contains a large first floor picture window serving the staircase. There is also a bathroom window at first floor in the rear elevation. 'Archway House' and 'Droskyn' are each served by individual driveway access from Kenilworth Road that also provides off-street parking.

### **Details of the Development**

The proposals entail the demolition of the existing dwellings and replacement by a 3-storey detached building with a rear wing projecting into the site to accommodate 13 apartments on 3/4 floors, together with a detached mews dwelling at the rear of the site. Access would be maintained from the Kenilworth Road via the existing driveway opening to Archway House, which would also be altered in accordance with the recommendations of an independent Stage One Safety Audit. The driveway would extend into the site along the southern boundary, thereby setting the side elevation of the apartment building off the boundary by some 3 -3.5 metres. The boundary wall would be maintained at a height of between 2.25 and 3.3 metres for the depth of Archway House. Provision for 12 spaces to serve the flats is proposed, which would be laid out at the rear of the building. Provision for a disabled parking space is proposed at the front of the site. The mews dwelling would be served by an integral garage and a driveway parking space, which would be accessed via the parking court. The mews dwelling stands in self-contained grounds separated from the parking court by a 2m high screen wall across the width of the site either side of the driveway opening. The Scots Pine would be retained within the grounds of the mews dwelling, together with the majority of boundary trees. However, 4 trees would be felled to accommodate the dwelling. A further 4 trees are proposed to be felled to accommodate the apartment building.

The apartment building itself would stand on broadly the same building as 'Archway House' and 'Droskyn' so that it would be set back from the highway by some 6.5 metres. It would have a width of some 20.5 metres decreasing to 10.4 metres at the rear. It would stand approximately 2 metres off the boundary with Clive House to the north and over 10 metres off the boundary with 14 Kenilworth Road to the South. The main body of the building would have a depth of some 10.5 metres, increasing overall to 29 metres. The apartment building would incorporate a corner tower feature that would stand 11.5 metres at the eaves and 13.6 metres at the ridge whilst the main body would descend in height to 10.4 - 11.4 metres at the ridge and 8 metres at the eaves. The rear wing would decrease in height from 7.5 metres to 7 metres at the ridge with a consistent eaves height of 5.6 metres.

In contrast, the mews dwelling would be "L" shaped. Across the main body it would stand some 7.5 metres at the ridge and 3.5 metres at the eaves. The garage would be contained in a projecting wing to the front elevation that would be 5.7 metres in height at the ridge and 2.5 metres in height at the eaves. The dwelling would stand between 4 - 4.5 metres off the rear boundary with the adjoining dwellings in Arlington Avenue, 2 metres off the northern boundary and over 6 metres away from the southern boundary. There would be a distance of some 31 metres between the mews dwelling and apartment building at their closest point.

## **Assessment**

It is considered that the application raises the following issues:

### **1. The Principle of Development**

The site is not within a Conservation Area. Thus, the demolition of the existing houses is not subject to planning control and does not require planning permission. PPG3: *Housing* states that the Government is committed to promoting more sustainable patterns of development by concentrating new housing development within urban areas, making more efficient use of land by maximising the re-use of previously developed land. The definition of previously developed land is set out in PPG3 as follows:-

*"Previously-developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The definition covers the curtilage of the development. The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously developed land....."*

It is therefore clear that the garden of a dwelling is classified as previously developed land. Indeed, the inclusion of gardens as residential land capable of development has been part of the land use classification system since 1975. Whilst noting the objections raised in principle to the loss of the existing dwellings

and the residential redevelopment of the site, I consider such an objection could not be sustained in principle and inasmuch as it has not been formally allocated for development in the Local Plan, it properly falls to be considered as a 'windfall site'.

## 2. Impact on Character and Appearance

Pertinent advice is contained in national statements of planning policy, namely Planning Policy Statement 1 and Planning Policy Guidance Note 3: *Housing*. PPS 1 encourages Local Planning Authorities to consider the land use requirements for various types of housing and then to make effective use of land within their urban areas whilst protecting open space, playing fields and green spaces. The Guidance Note makes it clear that the appearance and treatment of the spaces between and around buildings is often of comparable importance to the design of buildings themselves and that it is proper to seek to promote and reinforce local distinctiveness, particularly where development proposals may have a significant affect on the character or quality of the area within which they are proposed.

PPG 3 continues this theme. While recognizing that it is necessary to provide sufficient housing within an area and at an appropriate mix of dwellings, size, type and affordability, it states clearly that not all land defined as "previously developed land" should, therefore, be re-developed. In such circumstances, it is important for the Local Planning Authority to make a judgment bearing in mind a wide range of planning considerations which must take into account such factors as how the site relates to the surrounding area, the character of the area, policies for the protection of open space etc.

This guidance is well set out in paragraphs 54-56 of PPG 3 which identifies that the Government's objectives to make the best use of previously developed land should not be seen in isolation. A parallel motive is the need to improve the quality and attractiveness of residential areas. In seeking to achieve these objectives Local Planning Authorities and developers are encouraged to think imaginatively about designs and layouts which make more efficient use of land. However, such proposals must be brought forward "*without compromising the quality of the environment*".

Objections have been lodged on the grounds that the proposed development would harm the character and appearance of the area and wholly compromise the quality of the environment in a manner contrary to the motives of paragraph 54 of PPG3 in terms of its density, height/size/scale/massing and spatial relationship with the neighbouring properties.

**Density** - The existing density of the site equates to some 7 dwellings per hectare. The proposed scheme would have density of 47.9 dwellings per hectare. PPG3 (Housing) advises, however, that land is a finite resource and urban land can often be underused; it advises in paragraph 58 that local authorities should therefore encourage housing development which makes more efficient use of land, between 30 and 50 dwellings per hectare whilst avoiding development below 30 dwellings per hectare; no upper limit is placed on an acceptable level of density. The question of appropriate site density, however, has to take account of the aims of good design and layout and the advice in PPG3 that new housing

development should not be viewed in isolation but must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.

In this instance, I am mindful that the character of the wider locality around the site is mixed with low density detached housing adjoining and adjacent to the application site to the north, east and south with higher density development adjoining the site to the south east at Parmiter House in Arlington Avenue and the neighbouring apartment buildings at England House, Lucas House, Saunders House, Oakfield House and Norwood House in Binswood Avenue. Clearly the proposal will still result in a substantial increase in the density of the site. However, the site lies within walking distance of the town centre and is in a sustainable location where higher densities are encouraged. Indeed, given the density of the adjacent apartment buildings in Arlington and Binswood Avenue, I do not consider that this increase would, in itself or cumulatively, result in harm to the character of the area in these terms or represent inappropriate overdevelopment of the site. I am therefore of the opinion too that the proposal represents a responsible stewardship of land within a sustainable location and will make positive use of previously developed land as advocated by PPG3.

**Scale/Massing/Height/Design** - A design statement has been submitted in support of the proposals. This states...

*"The proposed application site is part of a previous much larger property "Sherbourne House" sited on the corner between Kenilworth Road and Lillington Avenue. This house was demolished and a number of smaller detached houses built circa 1930 to 1940's. These brick houses, including Archway House, are totally at odds with the architectural character of the original properties in Kenilworth Road.*

*The proposal is to create a building which will sit more happily in the character of the original street scene, combining the materials, massing and detail to form a far more appropriate architectural solution than currently exists.*

*The layout respects the existing surrounding properties being carefully designed to step towards the centre of the site to ensure the majority of windows face down the garden, away from the properties on either side.*

*The tower has been incorporated to relate in scale to the adjoining tower on number 14 Kenilworth Road. The remaining part of the apartment block is designed to incorporate a bay window and entrance details to match many of the existing Victorian houses found in Kenilworth Road.*

*The property to the rear has been designed to a modest 1.5 storey height within a walled courtyard to represent a coach house which might well have been found to the rear of a large house in Kenilworth Rd. The courtyard has been carefully sited around the existing pine tree to ensure its retention."*

I note the objections raised by neighbours to this aspect of the proposals. Whilst the proposed building would be larger than its immediate neighbours, nevertheless I consider it would be domestic in scale and in terms of its mass

and bulk similar to the more modern apartment buildings in Arlington Avenue and Binswood Avenue. In addition, the use of a 3-storey bay window and decorative features would both break up the mass of the building and reflect the style of the older buildings in the vicinity of the site. In my opinion, the design and layout of this scheme has been informed by and respects its surroundings and I consider that the proposed development would complement both the street scene in this part of Kenilworth Road and the setting of the Conservation Area.

**Landscape** - I note that a number of trees on the site would be felled to accommodate the development and for reasons of sound arboricultural management due to their condition. This aspect of the proposals is supported by a report from a qualified arboriculturalist. Concerns have also been expressed by neighbouring residents regarding the impact of the development on the continued health of the remaining trees to be retained, including the TPO'd Scots Pine. However, subject to appropriate conditions regarding the protection of these trees during construction works, I consider the proposals would be acceptable in these terms and that the visual amenity and environmental character of the site would not be unduly harmed. Indeed, I note that no fundamental objection to this aspect of the proposals has been raised by either the County Council (Ecology) or District Council (Leisure & Amenities).

### 3. Car Parking and Highway Safety

Neighbouring residents have also expressed concerns regarding the impact of the development on highway safety arising from the level of car parking provision proposed to serve the development. It is considered that this would be insufficient and would increase demand for on-street parking on Kenilworth Road and the surrounding streets, which currently experience problems of congestion.

Provision for 13 parking spaces is made within the site to serve the proposed flats, together with 2 spaces to serve the mews dwelling. Government advice is to seek an average of 1.5 spaces per dwelling, implying that in some locations there may be a need for more parking and in others less. The proposed parking provision is below this average. However, there is a bus stop within 50 metres of the site outside 12 Kenilworth Road that provides regular services to the town centre, which is also within easy walking distance of the site, and access to services and facilities, employment areas and the railway network. Given the location of the site in a relatively sustainable location along a principal public transport route, I am satisfied that the parking provision is in line with government guidance and is not unreasonable for a site of this nature.

The initial response of the Highway Authority to the application was an objection on highway safety grounds. The scheme has now been amended to address these concerns by the introduction of a dedicated left-hand exit from the site. The Highway Authority have now confirmed no objection to the scheme, stating that in reaching their decision they have taken into account the usage of the access and traffic flows on Kenilworth Road. I am therefore of the opinion that there are insufficient grounds for raising an objection to the proposals on either highway safety or car parking grounds. The lack of objection from the Highway Authority reinforces my view on this issue.



#### 4. Residential Amenity

In comparison with the existing density and layout of the site, the proposals would result in a significant intensification in the residential use of the site and would, in my opinion, undoubtedly have an impact on the living conditions of neighbouring residents. However, I consider that the proposed apartment building and mews dwelling would be sufficiently distant from existing properties to ensure that the proposal would not have an unacceptable impact on the privacy, visual amenities and levels of day and sunlight enjoyed by neighbouring residents. The amount of activity within the site would also inevitably increase, particularly by reason of the introduction of car parking and driveway access adjacent to neighbouring garden areas. However, such noise would be domestic in nature and I do not consider it would be unacceptable.

Whilst I note neighbouring residents concerns regarding the potential precedent the proposed development would set for further development of a similar nature in the surrounding area, nevertheless it is a fundamental planning principle that each proposal should be considered on its own merits.

#### **REASON FOR RECOMMENDATION**

The proposal is considered to comply with the policies listed above.

#### **RECOMMENDATION**

GRANT after completion of a Section 106 agreement to cover education, library and public transport contributions, subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 1099/02, 04B, 05B, 06C, 07C, 09B, 10 and 11 and specification contained therein, submitted on 2 December 2004, approved drawings 1099/07C and 09B and specification contained therein, submitted on 10 January 2005 and approved drawing 1099/03h and specification contained therein, submitted on 24 March 2005 unless first agreed otherwise in writing by the District Planning Authority.  
**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 3 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), rooflights, eaves, verges and rainwater goods at a scale of 1:5 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 for the development and the setting of the adjacent the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.

- 4 All window frames shall be constructed in timber, painted and not stained.

**REASON** : To ensure an appropriate standard of design and appearance for the development and the setting of the adjacent the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.

- 5 Samples of all external facing and surfacing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.

**REASON** : To ensure an appropriate standard of design and appearance for the development and the setting of the adjacent the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.

- 6 The roofing material for the development shall be natural slate, a sample of which has 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 for the development and the setting of the adjacent the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.

- 7 All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority.

**REASON** : To ensure an appropriate standard of design and appearance for the development and the setting of the adjacent the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995.

- 8 The development hereby permitted shall not be brought into use until all parts of existing accesses to Kenilworth Road, not included in the proposed means of access, have been permanently closed and the public highway features, including the kerb line, have been reinstated in accordance with details approved in writing by the District Planning Authority.

**REASON** : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 9 Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

**REASON** : To protect the character of the area and the amenities of

adjoining occupiers in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 10 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 11 No lighting shall be fixed to the external walls or roofs of the buildings hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority.  
**REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 12 The car parking areas shown on the approved plans shall be constructed prior to occupation of the development and thereafter be permanently retained for parking purposes for the development hereby permitted.  
**REASON** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy (DW)ENV3 of the Warwick District Local Plan 1995.
- 13 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed.  
**REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 14 Before the development hereby permitted is begun details of the method for the protection of all retained trees shall be submitted to and approved in writing by the District Planning Authority. The details shall include the plans of protection zones around the trunks of all retained trees together with the protection of these zones by fencing that is a minimum of 1.2 metres high in

accordance with the section 8 and figures 4 to 6 of the BS 5837 : 1991 Guide for trees in relation to construction sites'. The erection of fencing for the protection of these retained trees shall be undertaken before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the District Planning Authority.

**REASON** : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and the surrounding area, and to satisfy Policy (DW)ENV3 of the Warwick District Local Plan 1995.

- 15 Before the development hereby permitted is begun a statement of the proposed method of implementing the construction of the development shall be submitted to and be approved, in writing, by the District Planning Authority. The details shall include the sequencing of operations, the method of construction of the driveway, forecourt parking area (including re-surfacing works and surfacing materials), access works and provision of drains, services and utilities in the vicinity of the adjacent trees to be retained within and adjacent to the site and the methods of protecting root systems of all trees to be retained within and adjacent to the site during the construction process from direct or indirect damage, Operations on the application site shall be carried out in accordance with the approved details and no part of the operations shall be amended or omitted without the prior written approval of the District Planning Authority.

**REASON** : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and the surrounding area, and to satisfy Policy (DW)ENV3 of the Warwick District Local Plan 1995.

- 16 The existing trees shown on the approved plans to be retained shall not be wilfully damaged or destroyed, uprooted, felled, lopped or topped without the prior written consent of the District Planning Authority. Any trees removed or dying or being severely damaged or becoming seriously diseased shall be replaced with healthy trees of such size and species as may be agreed in writing by the District Planning Authority.

**REASON** : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and the surrounding area, and to satisfy Policy (DW)ENV3 of the Warwick District Local Plan 1995.

- 17 Before any works are undertaken within the protected zones of the retained trees, including excavations, topping, lopping or pruning, 7 days written notice of the nature of this work shall be given to the District Planning Authority to enable the work to be considered with the benefit of a site visit(s) from officer(s) of the Council. The approved works shall not

commence until written approval has been given by the District Planning Authority.

**REASON** : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site and surrounding area, and to satisfy Policy (DW)ENV3 of the Warwick District Local Plan 1995

- 18 Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved.

**REASON**: To ensure the protection of bats and compliance with Policy (DW) ENV27 of the Warwick District Local Plan 1995.

- 19 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 development shall be carried out on the proposed detached dwelling which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.

**REASON** : This site of the dwelling is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of (DW) Policy ENV3 of the Warwick District Local Plan 1995.

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