

Planning Committee: 06 April 2011

Item Number:

Application No: W 09 / 0251

Town/Parish Council: Leamington Spa
Case Officer: Sandip Sahota
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Registration Date: 03/11/09
Expiry Date: 03/06/10

5-6 Milverton Crescent West, Leamington Spa, CV32 5NE
Erection of 5no. 3 bed dwellings and 1no. 1 bed dwelling after partial demolition
of existing buildings. FOR Mr & Mrs M Kitchen

This application is being presented to Committee due to the number of objections received.

SUMMARY OF REPRESENTATIONS

Public Response: 7 letters of objection have been received to the scheme as originally submitted from 26, 28 & 30 Union Road; 55 & Flat 2, 51 Rugby Road, 4 & 29 Milverton Crescent West on the following grounds - loss of light/ sunlight; possible flooding of converted cellar at 55 Rugby Road; detrimental effect on on-street parking; overdevelopment - the number of dwellings proposed is excessive; noise and disturbance; backland development out of keeping with the existing character of the area; loss of privacy.

Royal Leamington Spa Town Council:

"1) The Town Council objects to the demolition of a 19th Century building situated in the Conservation Area.

2) The design of the new building does not reflect the existing dwelling or harmonise with its surroundings.

3) Concern is expressed at the loss of "green" space. The Council would wish to see a clear plan of the trees which will be removed if the application were to be approved.

4) Concern is expressed at the means to dispose of surface water from the site". (3/4/09)

superseded by comments on 1st amended scheme:

"The Town Council is pleased that there are no windows overlooking the neighbouring properties". (19/11/09)

superseded by comments on 2nd amended scheme:

"RESOLVED that no objection is raised but that a comment is made expressing concerns regarding potential light deprivation to south-facing windows of adjacent properties in Rugby Road". (31.1.11)

WCC Highways: Object for the following reasons: "1. There is no turning area at the top of the site for delivery/ refuse vehicles etc. Were all parking spaces fully occupied then any vehicle would have to reverse approximately 26 metres and out onto the public highway. It is noted that there is a bin storage area at the vehicle access, however there is a further bin storage area to the north of parking spaces 9 and 10, which would suggest that a refuse vehicle will have to

enter the site. 2. The footpath that it adjacent to the dwelling to the east of parking space 10 narrows the carriageway to an unacceptable width (i.e. scales to 3.5m). With the footpath itself only 1m wide. 3. Parking space 1 is impractical. Positioned as it is, it is likely that any vehicle using that space will overhang onto the carriageway".

Superseded by comments on 2nd amended scheme:

Assuming that the bin store, as shown on drawing 1525 1D adjacent to the garden of plot 2, is to be used by all dwellings, then the Highway Authority's response to your consultation is one of no objection, subject to the following conditions: 1. The applicant/ developer is required to contribute £50 per dwelling for sustainable welcome packs and to help promote sustainable travel in the local area". (18/1/1)

Waste Management: "No objection in principal to the development. The development should note the following comments and recommendations however:

Each property will be required to store at least two wheeled bins, one red box and two recycling sacks on the property until the date of collection.

The developer may be required to pay for the provision of receptacles.

Collection crews are not contractually obliged to collect from private driveways.

As such residents may be required to bring their receptacles to the edge of the driveway (where it adjoins the adopted highway) on the date of collection.

Residents should not be required to move receptacles through a building to the point of collection.

Movement of the bin from point of storage to point of collection should avoid steps if possible".

Policy, Projects & Conservation: "The relationship to the adjacent properties may still need further consideration. The general massing is now better than the previous scheme. The details, however, still need some improvement. Arched head window details should be shown throughout - the front and rear windows should match to give some consistency. The two gables to the front would be better with a good brick corbel detail which would then offset the restored barge board detail and curved gable detail. The wider gable abutting the road would benefit from either a high level circular window or the centre window being slightly higher. The drawing shows the whole of the building (with the curved gable) abutting the road as shaded and therefore demolished - but I think only the rear portion is to be demolished. The front wall as a high wall is fine but the opening is quite wide - a narrower gap for a domestic sized pair of gates would be better. The porches and detailing on the rear block of houses is inappropriate and should match the front buildings".

superseded by comments on 2nd amended scheme:

"No objection, subject to large scale details".

CAAF: "No objections were raised to the use in this area. It was felt that the quality of design was poor, creating small spaces within the dwellings. It was suggested that a more appropriate reflection of details from the adjacent buildings would create better architecture for this site, which is in a quality residential area of Leamington. Concern was expressed as to whether the former

laundry buildings was in fact being retained in part or completely rebuilt, which needed to be clarified on the drawings".

superseded by comments on 1st amended scheme:

"Mark Sullivan declared an interest as a former tenant of the applicant. This application had been seen by the CAAF prior to the current revisions. It was felt that the development still lacks interest, given the fascinating character of the adjacent 'Dutch' gables, which the retention of one gable was welcomed. It was felt that a better window design may improve the character of the design, and also less units. 4 to 5 units were recommended as being most appropriate. It was also felt the parking would be difficult to use".

No comments received on 2nd amended scheme.

WCC Ecology: As this proposal involves demolishing the existing buildings, I recommend that in accordance with PPS9, a pre-determinative bat survey is carried out, as a bat roost may be permanently destroyed, in particular as we have three bat records nearby. Having considered the submitted bat survey, no objection subject to bat note.

Environmental Health: "I have no objection to the application but would recommend a ground contamination condition. I also have concerns that the two proposed houses next to the existing Crescent Garage may be adversely affected by the noise and vibration arising from the activities within the garage. The one nearest the garage is most likely to be affected.

The single storey room whose outer wall would, in the proposal, be the party wall with the development contains a compressor which could result in noise and vibration affecting the adjoining dwelling(s). The situation is made worse by the fact that the room has no ceiling and only a single thickness corrugated cement roof.

The use of the vehicle hoists and pneumatic tools within the Crescent Garage, together with the impact noise associated with motor vehicle repair and maintenance, may also give rise to noise nuisance affecting the adjoining dwelling(s) and the enjoyment of the garden. This again is made worse by the fact that part of the workshop again has no ceiling and only a single thickness corrugated cement / plastic roof.

Although the current occupier of the Crescent Garage only operates the premises Monday to Friday 9 to 6 and Saturday am , this could still be a nuisance to persons at home during that time.

I would therefore recommend a condition that prior to any development, the applicant be required to engage the services of an acoustic consultant to assess the existing noise and vibration environment arising from the current activities in the Crescent Garage and assess the potential for noise and vibration nuisance to affected the proposed adjoining dwellings and gardens. The report of the consultant, together with (any) proposals to remedy the potential nuisance to be submitted to the planning authority for approval".

The condition recommended above has been superseded by the actual submission of noise and vibration reports and the following comments from Environmental Health:

"Having now fully read and studied the details of both reports produced by noise.co.uk in relation to the aforementioned premises, I am in full agreement with the recommendations of both reports and would strongly suggest that these recommendations be followed in full by the client when developing the site. If it is possible to do so, I would recommend that planning conditions are sought in this instance to see the noise mitigation measures adopted in full as stated within the reports. This will involve the removal and repositioning of the air compressor as well as the insulation / repair works to the party wall structure between the two premises".

RELEVANT POLICIES

- 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)

PLANNING HISTORY

Planning permission (ref: 12197) for use of dwelling as store/ offices was granted in 1967.

Planning permission (ref: 15077) for alterations to dwelling and builder's store was granted in 1972.

Planning permission (ref: 05679) for extension, 3 dwellings and use as builder's yard and offices was granted in 1972.

Planning permission (ref: W90/0401) for alterations to existing vehicular access was granted in 1990.

Planning permission (ref: W93/0311) for erection of extension to storage area at first floor was refused in 1993 for the following reasons: *'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'*.

Conservation Area Consent (ref: W06/0073/CA) for demolition of no.6 Milverton Crescent West was refused in 2006 due 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.

An application (ref: W09/0252/CA) for demolition of existing buildings was submitted to the District Planning Authority in 2009, but was subsequently withdrawn by the applicant because the planning application for the replacement scheme was invalid.

A subsequent application (W09/1403/CA) for demolition of existing buildings was submitted to the District Planning Authority. This is the subject of a separate report on this agenda.

KEY ISSUES

The Site and its Location

Milverton Crescent West lies to the north east of Leamington Town Centre between Rugby Road to the north and Beauchamp Hill to the south.

The application relates to a nineteenth century two-storey former mews/ stable building and external yard situated on the western side of Milverton Crescent West within an area which is predominantly residential in character. It is likely that the site originally served as stables/ grooms quarters serving the large house in Milverton Crescent West. The application site has been vacant for a number of years but the building was formerly used as carpentry and engineering workshops/ car repairs business and the open yard to the rear known as 'Bell Yard' was formerly used as a builders yard. The yard to the front is enclosed by a high brick wall through which vehicular access is available. The yard to the rear is overgrown with pockets of scrub vegetation. The site is situated within the Royal Leamington Spa Conservation Area. There are a mix of residential properties within the area. The east side of Milverton Crescent West to which this site faces are mainly listed Regency houses / modern flats standing on the site of a demolished large Victorian house. On the north side of Milverton Crescent West are mainly mews houses to the western end and originally Victorian houses to the eastern end. The application site backs onto the rear of nos. 24-34 Union Road and nos. 53-69 Rugby Road. No. 6 Milverton Crescent West is attached to the Crescent Garage, a small garage business carrying out vehicle repair and maintenance which operates Monday - Friday 9am - 6pm and on Saturday mornings, which is situated to the north of the site on the corner of Milverton Crescent West and Rugby Road.

Details of the Development

The application, as originally submitted, was for the erection of 2 no. 2 bed dwellings and 5 no. 3 bed dwellings after partial demolition of existing buildings. The scheme has been amended twice in order to make it more acceptable in terms of the character and appearance of the conservation area, parking, refuse storage, and living conditions of neighbours and future occupiers of the development. The application, as amended, is now for the erection of 5no. 3 bed dwellings and 1no. 1 bed dwelling after partial demolition of existing buildings.

Assessment

The main considerations in the determination of this application are:

- Principle of development.
- 1. Housing mix.
- 2. Design and layout and the effect of the proposal on the special character and appearance of this part of the Royal Leamington Spa Conservation Area.
- 3. The effect of the proposal on the living conditions of the occupiers of the neighbouring properties and whether it would provide adequate living conditions for the future occupiers of the proposed development.
- 4. Parking.
- 5. Renewable Energy.
- 6. Bats.
- 7. Contaminated land.
- 8. Refuse storage.
- 9. Drainage.
- 10. Other matters.

Principle:

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. 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 primary 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.

I am therefore satisfied that the circumstances set out in Policy SC2a (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) has been demonstrated and the proposed development would be in accordance with this policy.

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 Control Guidance: 'Achieving a Mix of Housing' 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.

Conservation area:

The proposed development has been amended in accordance with the recommendations made by the Conservation Architect.

The proposed development would require the partial demolition of the existing buildings which are considered to make a positive contribution to the special character and appearance of this part of the conservation area. Policy DAP9 of the Warwick District Local Plan 1996-2011 states that alterations or extensions to unlisted buildings which will adversely affect the character, appearance or setting of a conservation area will not be permitted. It goes on to state that there will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a conservation area.

A structural survey of the existing buildings was submitted with this application. The report recognises that the existing buildings are in a poor state of structural repair and identifies the extensive remedial works necessary to bring the buildings back to a useable state. The report concludes that *"It can be seen that the above works are extensive, expensive and most likely not cost effective. We would also confirm that major structural works are required and that even if they are carried out you would only be upgrading a poor quality building to a standard well below that of a new structure and therefore we do not consider it a viable option"*.

Given the poor structural state of the buildings it is considered that it would be difficult to insist on the retention of the buildings in their entirety. However, the existing facade to no. 5 is to be retained as part of the proposed redevelopment, as is a large area of the front section of no. 6 as indicated on the proposed site layout plan

The development has been designed in the style of the adjoining mews houses incorporating details applicable to the existing developments adjoining and reflecting the original built form of typical stable blocks of the nineteenth century. The proposal would have no greater impact on the streetscene than existing. The elevational treatment will be in render and brick to echo the existing houses in the area. The design is tailored to pick up some of the features from the site, e.g. the strong gable parapets from the existing building, barge board detail at eaves level and the use of horizontal transoms/ glazing bars in the windows. The proposal is successful in creating a streetscene similar in character to the existing developments along this side of the road. In particular the scheme has been designed to reflect and mirror the existing development.

Living conditions:

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

The proposed development does not breach the 45 degree line taken from the properties at Henry Tandey Court or 4 Milverton Crescent West.

The proposed development meets the distance separation standards set out in the Council's Distance Separation SPD in relation to the properties on Union Road and Rugby Road. With respect to the development itself, the distances between units 1 and 3 and 4 and 5 do not quite meet the standards but the SPD does state that the provisions of this guidance will not be directly applied in Conservation Areas. Nevertheless, given that there is an 8 metre distance between units 1 and 3 and that unit 3 is only single storey, I am of the view that the distance would provide adequate living conditions. With regard to units 4 and 5 the breach of the substandard distance separation only applies to a small area and the impact of this has been mitigated by handing the window and door on the ground floor of unit 5 and relocating the first floor window of that unit to the side elevation.

Units 4 and 5 are situated next to the Crescent Garage with unit 5 sharing a party wall. Environmental Health, in their initial consultation response, raised concerns that these two dwellings may be adversely affected by the noise and vibration arising from the activities within the garage. Noise and vibration surveys were subsequently submitted to the District Planning Authority. Environmental Health are in full agreement with the recommendations of both reports. However, as the Crescent Garage is not within the control of the applicant it will not be possible to secure by condition the removal of the compressor unit. As such, it is considered that a condition requiring the submission of further noise attenuation measures to supplement those recommended in the report should form part of any approval granted in order to avoid a statutory noise nuisance and sub-standard living accommodation.

Parking:

The Council's Vehicle Parking Standards SPD requires the provision of 2no. off street parking spaces for each of the 3no. bed dwellings and 1no. off street parking space for the 1 bed dwelling. I note the objections raised by neighbours regarding parking, but the existing 5 metre access off Milverton Crescent West will be retained as the access to the development and 11no. off street parking spaces are to be provided as part of the development with cycle storage possible within each of the rear gardens which will satisfy the requirements of the SPD. The Highways Authority does not object to the proposal and it is considered that the requirement for the provision of 'sustainable development packs' can be the subject of a planning condition.

Renewable energy:

The Sustainable Buildings Statement submitted with this application indicates that a minimum of 10% of the predicted energy requirement of the proposed dwellings will be provided on site through renewable energy in the form air source heat pumps on plots 2 and 5 and solar panels to the south facing roof slopes on the other units. A condition to secure this can be applied to any approval granted.

Bats:

The pre-determinative bat survey submitted with the application found that the buildings themselves have some features that could be used by roosting bats and were assessed as having low to moderately low potential for accommodating the more common species. No evidence of bats was found but because the survey was undertaken in March 2010 it is not possible, before bats have returned to summer roosts, to discount the presence of minor roosts located in inaccessible places on the building exteriors.

The County Ecologist is satisfied that sufficient survey effort has been undertaken and works can proceed with no further need for bat survey work or mitigation. However, as bats are a dynamic species, it is recommended that a note relating to bats, as protected species, is attached to any approval granted.

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 requested that a pre-commencement condition be applied to any approval granted requiring the developer to confirm the proposed method of remediation and that necessary analysis certificates submitted to the District Planning Authority before material is brought onto the site and after completion of the development.

Refuse storage:

Each of the proposed dwelling units benefit from gardens which are serviced by an external access point. As such, bins and recycling boxes can be accommodated with the garden of each property and can be wheeled to the proposed bin store next to the access road on collection day. The proposed arrangements fulfil the recommendations set out by Waste Management. I am therefore satisfied that the proposed development makes adequate provision for refuse storage.

Drainage:

The applicant has provided written confirmation from Severn Trent Water that an unrestricted foul water discharge from the new properties will be permitted into the 225mm diameter public combined water sewer in Milverton Crescent West.

I note the Town Council's concerns regarding the disposal of surface water and the fears expressed by the occupier of 55 Rugby Road relating to the potential flooding of his converted basement which in his view is prevented by the existing grassed area which relieves pressure from potential run-off damage. Severn Trent Water state that the nearest public surface water sewer is located in Rugby Road to the north of the site; however due to levels a connection to this sewer may not be possible. However, they have confirmed that, in the first instance, soakaways should be investigated as a method of surface water disposal and in the event of soakaways being found to be unsuitable for the site, satisfactory evidence in the form of ground investigation results and/ or soil percolation test results will need to be submitted for them to review. They go on to state that even though soakaways may not be suitable, other SUDS techniques should be investigated before all surface drainage is directed to the existing public surface water system. There is no evidence to show that the site could not be effectively drained, and the relevant authorities have not objected.

The Planning Statement submitted with the application confirms that hardstanding areas will be porous. A condition requiring all areas of hardstanding to be surfaced in porous materials with no development to commence until details have been submitted to and approved by the District Planning Authority will be applied to any approval granted. I am therefore satisfied that the proposal would accord with the requirements of Policy DP11 of the Warwick District Local Plan 1996-2011.

Other matters:

The Council has an Open Space SPD which requires open space provision on all new residential development either in the form of a physical on-site contribution or a financial contribution as an alternative means of providing qualitative improvements to existing open space. The District Planning Authority began implementing this policy requirement in April 2010. As this particular application was submitted more than 12 months prior to the implementation of the SPD and negotiations have contained with the applicant since that date, it is considered that it would be unreasonable to require an open space contribution in this case.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings (drawing numbers 1525 rev 2c, 1525 rev 1d and 1525 3), and specification contained therein, submitted on 16 April 2010 & 14 December 2010 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted, including render and render colour) 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 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 Before any work in connection with the development hereby permitted is commenced on site, detailed plans and specifications of screenwalls/fences shall be submitted to and approved in writing by the District Planning Authority. The approved screenwalls/fences shall be constructed in the positions shown on the said plan before the buildings hereby permitted are occupied and shall thereafter be maintained in those positions unless otherwise agreed in writing by the District Planning Authority. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- 5 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), eaves, verges, bargeboards 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:** For the avoidance of doubt, and 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.
- 6 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of noise between the Crescent Garage and the proposed development 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:** In the interests of the amenities of future occupiers of the building, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011.
- 7 No development shall take place until the developer notifies which of the proposed methods of remediation for the contaminated land set out in the Ground Investigation Report submitted to the District Planning Authority in March 2009 is to be utilised and this has been agreed in writing by the District Planning Authority. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the District Planning Authority. The District Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted for approval in writing to the District Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. A certificate of analysis to prove the suitability of any soil to be imported onto the site must be provided to the District Planning Authority for approval before the said soil is brought onto the site and soil re-sampled in situ on site and analysis results provided to the District Planning Authority. Certification by a suitable contaminated land consultancy must be provided to the District Planning Authority upon completion of the remediation. **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

- 8 Prior to the first occupation of the development hereby permitted a Sustainable Welcome Pack shall be submitted to and approved in writing by the District Planning Authority. A copy of the approved Sustainable Welcome Pack shall be provided to each dwelling. **REASON:** To help promote sustainable travel in the local area.
- 9 A landscaping scheme 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. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 10 Surface water shall not be connected into the public foul sewer system and shall be separated within the site prior to discharge to a soakaway (subject to tests), or other suitable SUDS technique. Details of the means of disposal of storm water from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011.
- 11 The car park hereby permitted shall be surfaced with a porous material, marked out with white lines and available for use prior to the occupation of the development hereby permitted, in full accordance with the approved plan. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 12 The area indicated on the plans hereby approved for vehicle parking and manoeuvring space shall at all times be kept free of obstruction and be available for those purposes. **REASON :** To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

- 13 All hard surfaces hereby approved shall be made of porous materials. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.
- 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 All window and door frames shall be constructed in timber and shall be painted and not stained. **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.
- 16 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 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 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 District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 17 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 18 The roofing material for the development shall be natural slate. **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.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents and would not cause

unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. The development achieves acceptable standards of layout and design and does not give rise to any harmful effects which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.
