

Planning Committee: 06 October 2020

Item Number: 9

Application No: [W 20 / 1055](#)

Town/Parish Council: Kenilworth

Case Officer: Helena Obremski

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Registration Date: 02/07/20

Expiry Date: 27/08/20

Hobournes, Upper Spring Lane, Kenilworth, CV8 2JR

Construction of two detached dwellings and ancillary site works. FOR Mr A Frisby

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 in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of two detached dwellings, each with a detached garage, to be constructed within part of the amenity area serving an existing residential property, known as Hobournes. A new access to the site is proposed from Fieldgate Lane.

The application has been submitted in its third iteration, following withdrawal of two previous applications, reducing the number of units from 3 to 2, and there have also been further amendments during the course of the application which have sought to address concerns raised by Officers regarding the design of the dwellings, including reducing the ridge height of the dwellings and detaching the garage from the main property of plot 1.

THE SITE AND ITS LOCATION

The application site is positioned to the north east of Fieldgate Lane and south of Upper Spring Lane, on an open corner plot, located within the Conservation Area and urban area boundary. The existing dwelling on the site is a bungalow within a generous plot, with access from Upper Spring Lane. There are TPO trees to the south western boundary of the red line application site and the site is bordered by a tall hedgerow facing the highway.

PLANNING HISTORY

W/78/0321 - planning permission granted for the erection of a detached bungalow.

W/80/0104 - planning permission granted for the erection of a detached bungalow.

W/08/0065 - planning permission refused for the erection of a replacement dwelling.

W/19/1337 - application withdrawn for construction of three detached dwellings and ancillary site works.

W/20/0459 - application withdrawn for construction of 3 detached bungalows and ancillary site works.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- TR1 - Access and Choice
- TR3 - Parking
- HE1 - Protection of Statutory Heritage Assets
- HE2 - Protection of Conservation Areas
- FW3 - Water Conservation
- NE5 - Protection of Natural Resources
- Guidance Documents
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Kenilworth Neighbourhood Plan (2017-2019)
- KP12 - Parking Standards
- KP13 - General Design Principles
- KP13M - Design Management in Fieldgate Lane
- KP13S - Design Management in Spring Lane and Tainters Hill
- KP15 - Environmental Standards of New Buildings

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection:

- the application is contrary to Local Plan policy H1;
- the proposed large-scale loss of mature trees, loss of substantial garden and an increase in housing density will be significantly detrimental to the public amenity, landscape and streetscene within a Conservation Area;
- overdevelopment of a site within a Conservation Area;
- rear windows to one of the proposed dwellings appear to be within 22 metres of the existing property contravening RDGs;
- the proposal is contrary to the Kenilworth Neighbourhood Plan policies KP13 (General Design Principles), KP 13(S) (Design Management in Upper Spring Lane and Tainters Hill), the Warwick District Local Plan policies H1 (Directing

New Housing), BE1 (Layout and Design), HE2 (Conservation Areas) and associated guidance (Kenilworth - Guide to Conservation Areas);

- the existing single storey dwelling was built on land previously designated as Green Belt. Planning at that time was granted on the basis that the bungalow stands in the middle of a large site in order to minimise its impact on the open character of the (then) countryside and Green Belt;
- no information was apparent on any required sustainable drainage systems (SuDS) for managing surface water;
- members noted the high number of car parking spaces shown on this application.

WCC Landscape: Objection, whilst the number of dwellings has been reduced to two, their size and the inclusion of detached garages still takes up a large part of the site, to the detriment of garden land and existing vegetation. This is in contravention of policy H1 of the Local Plan as the development does not reinforce the established character of the street. Concern regarding the large number of trees and shrubs that will be removed and feel that the replacement planting proposals are still just a token effort. The landscape proposals should seek to retain the wooded character across the site and not merely be the addition of a few trees here and there.

WCC Ecology: No objection, subject to conditions.

WCC Highways: No objection, subject to conditions.

Tree Officer: No objection, subject to condition requiring that works are carried out in accordance with the submitted details.

Waste Management: No objection.

Public Responses: 14 Objections:

- overdevelopment in Conservation Area, the proposal fails to preserve the Conservation Area;
- the proposal would erode the rural transition between the urban and rural boundaries;
- unnecessary loss of mature trees, substantial garden and increase in housing density will be significantly detrimental to public amenity;
- the original dwelling was constructed on Green Belt land and planning at that time was granted on the basis that the bungalow had a low profile and stands in the middle of a large site in order to minimise its impact on the open character of the (then) countryside and Green Belt;
- the proposed access is across WCC Highways land and there is a query whether there is a conflict of interest in WDC obtaining financial benefit from any approved scheme;
- proximity to the School & Nursery needs to be fully recognised as lots of children and parents park / walk through the area adjoining the application site and additional traffic generation is a clearly increasing a danger for not just those parents and children but residents in the immediate vicinity;
- proposed access presents highway safety concerns and inadequate visibility splays;
- the proposal is contrary to Local Plan policies H1 and BE1 and Neighbourhood Plan policies KP13 and KP20;

- concern regarding the overprovision of parking spaces and additional vehicle movements;
- loss of habitat and ecology from removal of hedge and trees;
- the design of the houses are bland, poor quality with no architectural distinction;
- loss of hedgerow is harmful to the character of the area;
- the dwellings are positioned forwards of other properties along Fieldgate Lane, so do not blend in well with the street scene;
- inadequate distance separation between the proposed dwellings and the existing property;
- loss of privacy;
- the proposals do not incorporate the mitigation recommendations contained in the PEA;
- queries the rigor applied to the production of the Heritage Statement and its validity;
- inaccuracies in the Design and Access Statement;
- a previous application was refused (ref W/08/0065) from the current single existing dwelling for an exit on to the same road (Fieldgate Lane) as it was considered to increase the potential for traffic danger;
- concerns about how construction traffic will attend the site and that they will drive the wrong way down a one way system;
- the proposal will have an adverse impact on property prices.

ASSESSMENT

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

- Principle of the Development
- Design and impact on character and appearance of the Conservation Area
- Impact of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide adequate living conditions for future occupiers
- Parking and Highway Safety
- Trees
- Ecological Impact
- Refuse
- Air Quality
- Other Matters

Principle of development

The site lies inside the urban boundary of Kenilworth which runs along the northern and eastern boundaries of the site. Policy H1 of the Warwick Local Plan (2011-2029) seeks to direct new development within the boundary of the Urban Areas, Growth Villages and Limited Development Villages. The policy further states that housing development on garden land, in urban and rural areas will not be permitted unless the development reinforces or harmonises with the established character of the street and/or locality and respects surrounding buildings in terms of scale, height and massing. As the development is proposed on existing garden land in order for the proposal to be acceptable in principle it should comply with the latter part of this policy and this is assessed in more detail below. Members of

the public and the Town Council do not consider that the development complies with this part of policy H1.

Design and impact on character and appearance of the Conservation Area

Policy BE1 of the Warwick District Local Plan (2011-2029) and Policy KP13 of the Kenilworth Neighbourhood Plan seek to ensure that development proposals achieve a high quality design.

Section 72 of the Town and Country Planning (Listed Building and Conservation Areas Act) 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan mirrors the above requirements of the NPPF. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

Policy KP13M and Policy KP13S of the Kenilworth Neighbourhood Plan seek to ensure that development proposals in the Fieldgate Lane Character Area and Upper Spring Lane and Tainters Hill Character Area respectively demonstrate regard for the design principles set out in these policies.

Members of the public and the Town Council consider that the proposed large-scale loss of mature trees, loss of substantial garden and an increase in housing density will be significantly detrimental to public amenity, landscape and the streetscene within a Conservation Area. They also consider that the proposal represents overdevelopment of the site within a Conservation Area, with the development being contrary to the aforementioned policies.

Members of the public and the Town Council state that the existing single storey dwelling was built on land previously designated as Green Belt. Planning at that time was granted on the basis that the bungalow stands in the middle of a large site in order to minimise its impact on the open character of the (then) countryside and Green Belt.

Members of the public consider that the proposal would erode the rural transition between the urban and rural boundaries, and that the design of the houses are bland, poor quality with no architectural distinction. Concern is raised regarding the loss of hedgerow which is harmful to the character of the area. Furthermore,

members of the public state that the dwellings are positioned forwards of other properties along Fieldgate Lane, so do not blend in well with the street scene.

WCC Landscape have objected to the proposal, stating that the size and the inclusion of detached garages takes up a large part of the site, to the detriment of garden land and existing vegetation, which is not considered to reinforce the established character of the street. They have raised concern regarding the large number of trees and shrubs that will be removed and feel that the replacement planting proposals are insufficient.

The Kenilworth Guide to Conservation Areas has assessed Upper Spring Lane and Fieldgate Lane as Character Areas. It describes Upper Spring Lane as follows:

- Originally a rural lane now access to a number of large residences.
- Parliament piece is an area of national historical importance.
- Well treed with houses mainly set well back from road.
- 2 traditional houses with front gardens abutting road.
- Maintenance of semi rural limited residential use is important.
- Maintain soft edges to the roadway and general rural character.
- Limit street furniture and traffic signs.

It describes Fieldgate Lane as having some mature street trees with the northern end having mid 20th Century developments where the character needs to be maintained. It also acknowledges that on the eastern side there are several larger houses set in their own grounds with mature gardens, the character of which is important to maintain.

It has been widely acknowledged in both the Kenilworth Neighbourhood Plan and the Kenilworth Guide to Conservation Areas that this area has important landscape characteristics which contribute to the character, appearance and setting of the Conservation Area.

The Conservation Officer has commented on the proposal, stating that the garages infill the separation between each dwelling, resulting in condensing the built form in one small area relative to the size of the plot. The Conservation Officer notes that part of the character of this side of Fieldgate Lane is predominantly defined by large dwellings in generous gardens and recommends that the garages are omitted from the scheme. The Conservation Officer recognises that the street scene is fairly mixed in terms of design, recommending a more traditional design, with symmetrical front elevations.

The application site is considered to act somewhat as a transition between the urban area to the south and the rural character to the north, defined by open countryside to the north. However, it must be noted that this site lies within the urban area boundary and that the Green Belt boundary lies on the opposite side of Upper Spring Lane to the north. The Local Plan is therefore clear that this site no longer forms part of the Green Belt and the context under which the original application was granted has now changed significantly. Furthermore, to the west of the road, the area is heavily built up and the application site will be read in the context of Fieldgate Lane, in which the application site at the moment is somewhat of an anomaly, being a dwelling in an extremely generous open plot, with limited

residential development, in comparison to the well built up areas to the immediate south and west of the site.

Under previous versions of the application, which were for three dwellings, Officers did have concerns that the development would erode the semi-rural nature of the site, providing an overly dense urban development of a open, fairly green plot. The proposal has therefore been amended so that no part of the northern section of the site will be developed, thus creating a sense of space and openness when reaching the junction with Upper Spring Lane, and transitioning into the rural area to the north. The views from Upper Spring Lane will retain the sense of openness at the north of the site and the views from Fieldgate Lane will be of two detached dwellings in good sized plots, which sit comfortably within the urban context of the area.

Further, the dwellings have been specifically set back from the highway in order that a sense of openness at the front of the site will be retained, therefore the overall impression is still that the site remains verdent. A condition will be added to remove permitted development rights for future occupiers to construct outbuildings to ensure that the openness at the north of the site is retained. The dwellings would be set very marginally in front of the nearest neighbour to the south of the site, but owing to the separation between them, including a driveway, the land levels and extensive vegetation, it is not considered that this would be harmful to the street scene or Conservation Area. Moreover, when considering the site location plan and the existing pattern of development, it is clear that there is not a strong building line along the east side of Fieldgate Lane.

As recognised by the Conservation Officer, there are a mixture of styles and materials within the existing street scene. The Conservation Officer recommended the use of traditional gable designed roofs, which have been incorporated and the simple nature of the dwellings, with traditional features such as chimneys and bay windows provide an appropriate form of development which would sit comfortably within the street scene.

The Conservation Officer raised concerns regarding the width of the dwellings, and overall bulk and mass. For this reason, Officers requested that the attached garage was detached from one of the dwellings, so that both were detached. This reduced the overall impression of bulk and mass of this dwelling, along with a reduction in ridge height of both of the dwellings, again reducing the scale of the dwellings. Detaching the garages also create a sense of space and openness with views behind and between the buildings. Officers have measured the width of the proposed dwellings which would each be 12.5m. Officers have also measured dwellings nearby to the site which range in width from 11m to 18.6m, with many in between. Therefore, the width of the dwellings would not be out of keeping with those within the immediate vicinity of the application site.

The Conservation Officer also raised concern regarding the dwellings being cramped and having limited gaps between them. However, Officers do not agree with this stance. The proposed dwellings would be positioned in generous plots, which are consistent with the pattern of development within the nearby area. There would be ample spacing between the plots to create a sense of separation between them, which is again consistent with the gaps between the properties

within the existing street scene, and still allows for an ample portion of the site at the north to be retained free of development.

The dwellings would retain and protect the characteristics identified within the Conservation Area guide such as the set back from road, maintenance of the semi rural character, maintenance of soft edges to the roadway, and maintenance of large detached dwellings in generous gardens.

There are a number of mature trees along the boundary of the site and visible within the street scene which are protected by a Tree Preservation Order. These trees make a positive contribution to the street scene and are indicated to be retained and protected. Further consideration regarding the impact on trees is set out below. In order to provide the access to the dwellings from Fieldgate Lane, a small section of approximately 6 metres of hedgerow would need to be removed. In the context of the length of the whole hedgerow and the fact that the dwellings will be set back, and that there will be no development in the northern-most section of the site, this is not considered to harm the semi-rural character of the street scene. Furthermore, it should also be noted that the applicant could remove this section of hedgerow at any time without the need for planning permission.

On balance, and taking the above points into consideration, it is considered that the proposed development would preserve the character of the Conservation Area. The development would therefore be in accordance with the aforementioned policies.

Impact of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide adequate living conditions for future occupiers

Policy BE3 seeks to ensure that the residential amenities of the occupiers of neighbouring residential properties are not harmed by proposed development. Policy KP13 states that the impact on residential amenity of existing and future residents must be assessed and addressed. The Residential Design Guide SPD provides guidance on separation distances between dwellings as well as garden sizes and design.

The Town Council have raised concerns regarding rear windows to one of the proposed dwellings which appear to be within 22 metres of the existing property, contravening the distance separation guidance. Members of the public consider that the development would result in a loss of privacy to neighbours.

Impact on Neighbouring Amenity

Dwelling 1 has been designed so that there are no first floor rear facing windows which would face towards the existing property serving the site. They have side facing windows which would not overlook neighbouring properties private amenity areas or habitable windows. As the existing property is a bungalow, there would be no opportunities for overlooking into the rear facing ground floor windows serving Dwelling 1 from above. A condition will be added to ensure that there can be no roof alterations or the insertion of windows into the first floor rear elevation of this property in order to protect amenity. The distance separation to the properties on the opposite side of Fieldgate Lane are in excess of the required distance separation.

Dwelling 2 would have first floor rear facing windows. However, there would be 15 metres between the windows and the rear boundary shared with the existing bungalow. For new residential development, Officers would require a distance of 11 metres to the rear boundary, and therefore the distance of 15 metres to the rear boundary is considered to provide sufficient privacy to the rear amenity area of the existing bungalow. Furthermore, owing to the position of the proposed dwelling and existing bungalow, there would be no opportunities for direct overlooking into habitable windows.

It is therefore considered that the proposed dwellings would have an acceptable impact on neighbouring amenity.

Proposed Living Conditions For The Future Occupiers

Each dwelling would be provided with adequate areas of private amenity space and adequate light, privacy and outlook for all of the habitable spaces.

The development is therefore considered to be in accordance with the aforementioned policies and guidance.

Parking and highway safety

Policy TR1 of the Warwick District Local Plan seeks to ensure that there is a safe and convenient access to serve new development and Policy TR3 seeks to ensure that sufficient parking is provided. Policy KP12 states that development proposals should incorporate parking and cycle spaces at or above the numerical and design expectations set out in the Vehicle Parking Standards.

The Town Council and members of the public have raised concerns regarding the high number of car parking spaces shown on the application. Members of the public have also raised concerns regarding the proximity of the site to the school and nursery, and pedestrian safety concerns of additional traffic. Members of the public consider that the proposed access presents highway safety concerns, with inadequate visibility splays. Members of the public state that a previous application was refused (ref. W/08/0065) for one dwelling, with an exit on to the same road which was considered to increase the potential for traffic danger. They express concerns regarding how construction traffic will attend the site and that they will drive the wrong way down a one way system.

The development would provide sufficient off street space to meet the Council's parking requirements set out within the Vehicle Parking Standards guidance. Whilst comments regarding the level of parking provided are noted, the driveway areas are not excessive and provide space to ensure that vehicles can leave the site in a forward gear. Secure storage for cycles could be located within the garages for each dwelling.

WCC Highways have been consulted and have no objection to the proposed development, subject to conditions requiring that the access is formally laid out, that the parking is laid out prior to occupation and that a Construction Management Plan is provided, which will address the concerns regarding deliveries, contractor parking and material storage areas. WCC Highways have

assessed the pedestrian and vehicular safety of the proposed access, which would be used by a small number of future occupants, and have no concerns.

Members of the public have referenced a previous refusal for a new dwelling with vehicular access from Fieldgate Lane which was refused (W/08/0065). However, this was in a different position to the proposed access, at the very south of the site on a slight bend next to a large tree which would have significantly reduced visibility splays in comparison to the proposed access. Therefore, this is not considered to be comparable.

On this basis, the proposed development is considered to comply with the aforementioned policies.

Trees

A number of concerns have been raised regarding the loss of trees on the site to facilitate the development. There will be a net loss of 16no. individual trees and 2no. groups of trees. These comprise of 3no. category B (moderate quality, with an estimated lifespan of 20 years), 14no. category C (low quality with an estimated life span of 10 years or young trees with a stem diameter below 150mm) and 1no. category U (of a condition which cannot realistically be retained as living trees). There will also be a part-loss of 1no. category B hedgerow and 1no. category C group of trees. None of the trees protected by a TPO would be removed or harmed as a result of the proposed development.

Initially this could be viewed as a relatively substantial degree of tree removal, however, it must be noted that no category A trees would be removed and the vast majority are category C trees of low quality. Furthermore, the trees of highest amenity value are set at the front of the site and will be protected during the development. These trees obscure views of the site behind, along with the tall hedgerow, and the position of the trees to be removed means that the loss of these trees would not be harmful to visual amenity. Although the trees without TPOs could not be removed without permission as they are located within a Conservation Area, the Council would be unlikely to resist the removal of these trees if an application were made to do so owing to the lack of amenity value which these trees hold.

The Council's Tree Officer has been consulted and has no objection to the proposal. He has commented that the tree report submitted in support of the application makes strong arguments for the tree removal and has no objection to the proposal, subject to the development being carried out in accordance with the protection measures contained within the report (following provision of additional clarification on details to the Tree Officer), which can be secured by condition.

It is therefore considered that the proposed tree removal and replacements are acceptable on this basis.

Ecological Impact

Policy NE3 of the Warwick District Local Plan (2011-2029) states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity

and where this is not possible, mitigation or compensatory measures should be identified accordingly.

Members of the public express concerns regarding loss of habitats and wildlife and that the proposals do not incorporate the mitigation recommendations contained in the Preliminary Ecological Appraisal submitted in support of the application.

WCC Ecology have commented on the application and have no objection to the proposed development, subject to conditions for the provision of a detailed Landscape and Ecological Management Plan, a Construction Environmental Management Plan and measures to ensure that there is a net biodiversity gain as a result of the proposal. These conditions will adequately address the concerns raised by members of the public, will ensure that the development does not impact detrimentally on protected species and that there will be a net biodiversity gain.

The proposal is therefore considered to be in accordance with the aforementioned policy.

Refuse

Adequate waste storage can be accommodated within the site boundaries and the Council's Waste Management department have no objection to the proposed development.

Air Quality

The proposed development would be classified as a minor scheme in accordance with Warwick District Council's air quality and planning supplementary planning document (AQ SPD) (2019) and therefore an electric vehicle charging point will be required for each dwelling. To secure the final details and design of the charging points, a condition to secure this information will be added.

Other Matters

Drainage

The Town Council have highlighted that no information has been provided regarding sustainable drainage systems (SuDS) for managing surface water. However, for a scheme of this scale it would not be required for a planning application and would be picked up by Building Regulations.

However, a condition will be added for compliance with Local Plan policy FW3 relating to water conservation, which is a planning requirement for development of this scale.

Quality of the information provided

Members of the public have queried the rigor applied to the production of the Heritage Statement and its validity, and inaccuracies in the Design and Access Statement. However, the Conservation Officer raised no concerns regarding the accuracy of the information provided in any of the supporting documents and

Officers consider that they have been able to gain sufficient information to accurately assess and recommend approval of the application.

Miscellaneous

Members of the public state that the proposed access is across WCC Highways land and there is a query whether there is a conflict of interest in WDC obtaining financial benefit from any approved scheme. To confirm, neither the District Council or County Council will receive any form of benefit, financial or otherwise as a result of granting this planning permission.

A member of the public has stated that the proposal will have an adverse impact on property prices. However, this is not a material planning consideration.

Conclusion

The proposed development represents the provision of two dwellings, with adequate parking and amenity within a sustainable location. The development is considered to have an acceptable impact on neighbouring residential amenity and is considered to preserve the character of the Conservation Area. Subject to the conditions listed in the report, the development would have an acceptable impact on highway safety and would not result in an unacceptable loss of biodiversity or trees of amenity value. The development is therefore recommended for approval.

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 drawings 20 Rev D, 21 Rev D, 22 Rev C and 1445/10 Rev F and specification contained therein, submitted on 3rd September 2020. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include detailed habitat creation measures and management and provision of habitat for protected and notable species (including location, specification and number of bee, bat and bird boxes and access gaps for hedgehogs in any new fences). Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and policy NE3 of the Warwick District Local Plan 2011 – 2029.

- 4 The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expects to see details concerning pre-commencement checks for breeding birds, hedgehogs, amphibians and reptiles and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with policy NE2 of the Warwick District Local Plan 2011 - 2029.
- 5 Before the commencement of development, the net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric as applied by Warwickshire County Council ("the County Council") in the area in which the site is situated at the relevant time and, if the measures for on-site mitigation approved in accordance with the Landscape and Ecological Management Plan condition are not sufficient to prevent a net biodiversity loss, arrangements to secure measures on another site which ensure that there is no net biodiversity loss as a result of the development shall have been submitted to and approved in writing by the County Planning Authority. Unless those arrangements comprise a proposal to enter an agreement with the County Council under which the County Council will secure the implementation of suitable measures, the submitted arrangements shall include:
1. Proposals for off-site offsetting measures;
 2. A methodology for the identification of any receptor site(s) for offsetting measures;
 3. The identification of any such receptor site(s);
 4. The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
 5. A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity).
- The written approval of the County Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the arrangements or any variation so approved. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and policy NE3 of the Warwick District Local Plan 2011 – 2029.
- 6 The development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does

not carry mud or deposit other materials onto the public highway; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.

- 7 The accesses to the site for vehicles shall not be used unless and until details of a public highway verge crossings to the standard specification of the Highway Authority have been submitted to and approved in writing by the LPA. The accesses shall be laid out and constructed in accordance with the approved details, which will include root protection measures to the satisfaction of the Arboricultural Officer. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 8 No development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 9 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **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 BE1 of the Warwick District Local Plan 2011-2029.
- 10 Prior to the occupation of the dwelling(s) hereby permitted, one 16amp (minimum) electric vehicle recharging point (per dwelling) shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority (LPA). Once the electric vehicle recharging point(s) has been installed, the following verification details shall be submitted to and approved in writing by the LPA: (1). Plan(s)/ photograph(s) showing the location of the electric vehicle recharging point(s); (2). A technical data sheet for the electric vehicle recharging point infrastructure; and (3). Confirmation of the charging speed in kWh. Thereafter the electric vehicle recharging point(s) shall be

retained in accordance with the approved details and shall not be removed or altered in any way (unless being upgraded). **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan and the Air Quality and Planning Supplementary Planning Document.

- 11 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029
- 12 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation, namely drawing 200624 0849 TPP V1 dated August 2020 and the revised Arboricultural Method Statement 200624 0849 AMS V1, have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 13 Prior to the occupation of the development hereby permitted, the first floor window(s) in the rear elevation of Plot 1 shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and

occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029.

14 No dwelling hereby permitted shall be occupied unless and until the car parking provision and turning area for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or enclosure shall be provided within the curtilage of Plot 1, no windows shall be installed within the first floor of the rear elevation of Plot 1 and there shall be no roof alterations or roof extensions to Plot 1. **REASON:** That having regard to the context of the site within the Conservation Area it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties in accordance with Policies BE1, HE1 and BE3 of the Warwick District Local Plan 2011-2029.
