

Planning Committee: 08 October 2019

Item Number: 10

Application No: [W 19 / 1226](#)

Town/Parish Council: Kenilworth

Case Officer:

Helena Obremski

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Registration Date: 07/08/19

Expiry Date: 02/10/19

7 and 8 Pears Close, Kenilworth, CV8 1BS

Construction of four detached dwellings and a double garage, creation of a new access and all associated works, including the demolition of a dwelling (no.8 Pears Close) and demolition of a single storey extension at no.7 Pears Close (resubmission of W/19/0562). FOR Oakwood Residential Developments

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 and the signing of a satisfactory unilateral undertaking to secure biodiversity offsetting.

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sum requested where the revised sum meets the relevant statutory test.

Should a satisfactory Section 106 Agreement not have been completed by 5th November 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The application seeks full planning permission for the construction of four detached dwellings and a double garage, including the creation of a new access and associated works, including the demolition of a dwelling (no.8 Pears Close) and demolition of a single storey extension at no.7 Pears Close.

This is a resubmission of W/19/0562 and has been amended from the provision of five detached dwellings to four.

THE SITE AND ITS LOCATION

The application relates to garden land mainly serving 7 & 8 Pears Close which are two existing detached dwellings positioned at the end of a small cul-de-sac. The

wider area is predominantly residential, and the Finham Brook lies to the south of the site.

PLANNING HISTORY

W/17/2250 - application withdrawn for the erection of 3no. four bedroom two storey dwelling houses, 3no, single storey detached garages and associated works including the demolition of 1no. single storey detached garage ancillary to no. 8 Pears Close.

W/18/0739 - planning permission refused for the erection of 3no. four bedroom two storey dwelling houses, 3no, single storey detached garages and associated works including the demolition of 1no. single storey detached garage ancillary to no. 8 Pears Close (resubmission of W/17/2250).

W/19/0562 - planning permission refused for the construction of five detached dwellings, a double garage and a car port, creation of a new access and all associated works including the demolition of a dwelling (no.8 Pears Close) and demolition of a single storey extension at no.7 Pears Close.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Neighbourhood Plan
- Kenilworth Neighbourhood Plan
- Kenilworth Design Advice (Shops, Warwick Road area)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Objection, contrary to Local Plan policy H1 as development on garden land which does not harmonise well with the surrounding area; the design and layout is not respectful of the area including its effect on No 9 and the adjoining Gloster Drive and is contrary to the Kenilworth Neighbourhood Plan policy KP13(b); the proposals do not fit with the symmetry or character of the area; the high density of housing will lead to domination of car parking provision contrary to parking standards SPD para 2.23 and the danger of further street parking which is already overburdened by on street parking due to its proximity with Abbey Fields and High Street with further adverse impact on the streetscene; the loss of two remaining trees completes the removal of seven trees with TPOs from this site following the previous mistaken removal of five all of which were an essential part of the character of this area; concerned by the flood risk and have highways safety concerns with the danger of tandem parking and the additional traffic which will be generated; any proposed development would be on a higher level and directly overlook property in Gloster Drive.

Environmental Protection: No objection, subject to conditions.

Waste Management: No objection to amended plans.

WCC Local Lead Flood Authority (LLFA): No objection, subject to conditions.

WCC Landscape: No objection, a full landscaping and tree replacement plan is required.

WCC Highways: Objection.

WCC Ecology: No objection, subject to the provision of a contribution of £20,258 to establish an offsetting scheme and conditions.

Tree Officer: No objection.

Public Responses: 12 Objections:

- The proposal is contrary to Local Plan policy H1 and Kenilworth Neighbourhood Development Plan policy KP13(b) as it represents backland development.
- Disproportionate development which is out of character with the existing environment.
- The proposal doesn't adopt the design principles of the Neighbourhood Plan.
- Overdevelopment of the site which doesn't complement the town plan;
- Housing density is out of keeping with Pears Close.
- Cramped and contrived form of development.
- Impact on neighbouring residential amenity: loss of privacy, loss of light, increased noise disturbance, increased light pollution, visual intrusion.
- The development would have a negative impact on the functionality of the area as it would impact on highway and pedestrian safety: the proposed feeder road crosses a pedestrian pathway; visibility is compromised due to on street parking; access is compromised due to the width of the road; the addition of a feeder road will add traffic to the existing island; hazardous road layout;

construction traffic will cause highway safety and access issues; a Construction Management Plan will not resolve the access and highway safety issues identified; the proposed access relies on a hedge being removed from 9 Pears Close which the owners do **not** agree to; access for refuse and emergency vehicles is inadequate; suggestion of traffic control measures such as residents permit parking zone / double yellow lines

- Appraisal of FFLs are difficult, section drawings are required.
- Inaccurate details contained within the Planning Statement (length of existing gardens, distance separation).
- The development would set a harmful precedent.
- Loss of trees and concern regarding Council's Tree Officer comments.
- Impact on wildlife.
- Increase in air pollution.
- Increased litter and inadequate provision for waste collection.
- Inaccurate / misleading information provided by the applicant.
- Increased security concern to 9 Pears Close as rear garden would be exposed, being contrary to Local Plan policy HS7.
- Sewerage system will not be able to cope with the additional housing.

ASSESSMENT

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

- Principle of the Development
- Impact on the Character and Appearance of the Area
- Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwellings
- Parking and Highway Safety
- Waste Management
- Trees
- Ecology
- Flood Risk and Drainage
- Other Matters

Principle of the Development

There have been objections from the Town Council and members of the public that the proposed development would be contrary to Local Plan policy H1 in relation to the direction of new housing. Members of the public state that the site is not a windfall or brownfield site, and represents backland development.

Local Plan policy H1 states that new housing development will be permitted within the urban areas. Kenilworth is identified as being an urban area on the proposal maps and therefore meets this criteria. Policy H1 goes on to state that housing development on garden land will not be permitted unless the development reinforces, or harmonises with the established character of the street and locality, and respects surrounding buildings in terms of scale, height, form and massing.

The proposed development would provide a net gain of three detached dwellings on garden land. The established character of the wider area benefits from properties with large gardens and the prevailing character is that of dwellings with street frontages. Under a previous scheme (W/18/0739) for three additional

dwelling, this was refused as it was considered to be at odds with this established character as it would have significantly reduced the size of the garden serving 8 Pears Close in relative comparison to the size of the existing dwelling and relationship with nearby similarly sized properties along Pears Close. The development was considered to appear incongruous and out of keeping with the nearby traditional street frontage development and was considered to represent backland development.

The most recently refused scheme (W/19/0562) provided a private road which served all of the dwellings, giving the properties a street frontage. This represented an improvement to the previous scheme. The plots running parallel to Gloster Drive were considered to be of an appropriate scale and akin to the size of some of the properties both along Pears Close and neighbouring streets. The size of the amenity areas serving the existing properties along Pears Close varies and the garden areas appeared reasonable for the scale of the dwellings and similar to those found within the area surrounding the site. The plots running parallel to Gloster Drive were considered to sit comfortably with the existing pattern of development and did not represent backland development. The current scheme retains this element of the previous scheme.

The existing dwelling at 8 Pears Close would be demolished in order to provide additional space to allow for the access and highway serving the proposed dwellings. Under the previous scheme, in its place a smaller dwelling would have been constructed. This plot would have been far narrower than the other proposed plots and also much narrower than the plots serving the existing dwellings within the street scene. This additional plot was considered to create a cramped and contrived form of development which did not sit well within the existing street scene, thus creating overdevelopment of the site. This element has now been removed from the proposal.

The development would provide a net increase of three dwellings (following the removal of one of the properties along Pears Close). The four new dwellings would be appropriately positioned, creating essentially an extension to the existing cul-de-sac. The size of the dwellings themselves do not appear out of keeping with the existing pattern of development and they would each have their own street frontage. The proposal is considered to harmonise well with the existing character of the area and is not considered to be contrary to Local Plan policy H1.

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design

Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

There have been objections from members of the public that the proposed development is disproportionate and out of character with the existing environment in terms of density and layout; that the proposal represents over development of the site; and that the proposal would be cramped and contrived. The Town Council have concerns that the design and layout is not respectful to the area and contrary to Kenilworth Neighbourhood Development Plan (KNDP) policy KP13 (b). The Town Council also consider that the proposals do not fit in with the symmetry of the area.

KNDP policy KP13 (b) states that development should have a positive response to the site characteristics and surroundings in terms of the proposed layout, density, building scale, height, proportions, massing, orientation, architectural detailing, materials and landscape.

The architectural narrative within Pears Close is mixed and there are a variety of styles and materials which can be found within the street scene. However, there is a common feature that the properties are all relatively generous detached dwellings in large plots, particularly within this section of the street scene. The proposed dwellings take inspiration from some of the design features found within the wider street scene such as front gable projections and chimneys. The use of brick and tiled roofs are appropriate materials which would not appear out of keeping within the wider area. It is noted that WCC Landscape have no objection to the proposal, subject to conditions.

As stated above, the submitted scheme is not considered to be harmful to the character of the area. The density and layout of the site is similar to that of Gloster Drive which would run parallel to the development and also to properties further along Pears Close. The development provides relatively large detached dwellings (a common feature of Pears Close), within ample plot sizes. The development would alter the appearance of this section of Pears Close, by removing one of the existing detached dwellings, however, this does not mean to say that the development would be harmful. It has been designed to accord and respect the existing mixed character of the area and provide dwellings which are of a scale and design which correspond well with the nearby development. Following the removal of the narrow plot which would have replaced the house which is to be demolished, the development would not appear contrived, or cramped.

Therefore, the proposed development is considered to be in accordance with Local Plan policy BE1 and policy KP13 of the KNDP.

Impact on Neighbouring Residential Amenity and Amenity of the Future Occupiers of the Dwellings

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or

intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

KNDP policy KP13 states that the impact on residential amenity of existing and future residents must be assessed and addressed.

There have been objections from members of the public that there would be disruption caused during construction works (noise and air pollution and increased rubbish); there would be a detrimental impact on neighbouring residential amenity (overlooking, loss of outlook, loss of light, overbearing development, noise disturbance, finished floor levels, light pollution from headlights and proposed dwellings); and that the distance separations plotted on the plans are incorrect. Furthermore, members of the public also consider that the proposal conflicts with the NPPF and Local Plan policy BE1 because it fails to positively contribute to Pears Close being a better place to live as a result of increased traffic. The Town Council also express concern relating to the impact of the development on neighbouring residential amenity.

Under the previous scheme which was similar to the current application, it was considered that the relationship with the properties along Gloster Drive and the proposed dwellings was acceptable. The same level of distance separation between the properties has been maintained under this application. It is recognised that the site levels drop towards the rear of the site. However, the land levels do not drop towards the properties along Gloster Drive. Therefore, the proposed levels of overlooking and privacy are considered to be similar in relative terms to that which already exist and would not be worsened by the proposed development to an extent which would warrant reason for refusal of the application, as the required distance separations are met.

For example, 7 Pears Close lies opposite to 25 Gloster Drive. The relationship between the proposed dwellings and the properties along Gloster Drive would be similar to this relationship, which is considered to be acceptable. Members of the public have stated that the section drawings provided are difficult to read and do not provide enough information. Further section drawings were therefore provided by the applicant in order to address these concerns. These show that the finished floor levels of the proposed dwellings would be somewhat higher than those of Gloster Drive, but importantly at first floor this would be 0.95 metres higher than the property which it would be opposite and again, similar to the relationship already at 7 Pears Close.

Furthermore, there would be no conflict with the Council's adopted 45 degree guidance from any of the neighbouring properties (or between the proposed dwellings) as a result of the proposed development. As the site is already located within a predominately residential area, the increase of three dwellings is not considered to cause substantial light or noise pollution which would warrant reason for refusal of the application. It is noted that Environmental Health Officers have requested a condition for the provision of a Construction Management Plan to

manage the impact of demolition and construction works on nearby residents, which is considered to be reasonable and will be added.

In order that the flat roof rear extensions are not used as balconies which would create opportunities for overlooking and loss of privacy, a condition will be added limiting the use of these.

Concern was raised previously in relation to the proximity of the proposed access to one of the proposed dwellings. As this proposed dwelling has now been removed from the scheme and there is a buffer between the existing residential dwelling neighbouring the site and the proposed access, this no longer presents a reason for refusal of the application.

The proposal would provide adequate levels of amenity for the future occupiers of the dwellings. Each dwelling would have access to adequately sized private amenity areas which meet with the requirements of the Residential Design Guide.

For these reasons the proposed development is considered to be in accordance with the NPPF, adopted Local Plan policy BE3 and KNDP policy KP13.

Parking and Highway Safety

There have been objections from the Town Council that the high density of housing will result in high levels of cars parking on the street, with an adverse impact on the street scene. They consider this to be contrary to the Vehicle Parking Standards and they also have highways safety concerns with the danger of tandem parking and the additional traffic which will be generated. Members of the public consider: that the proposal will result in increased traffic congestion with potential harm to highway and pedestrian safety; that refuse and emergency vehicles will not be able to enter and leave the site safely; suggest a residents' parking scheme or double yellow lines to aid traffic congestion and parking; request improvements to Pears Close through financial contributions; the proposed feeder road crosses a pedestrian pathway; visibility is compromised due to on street parking; access is compromised due to the width of the road; the addition of a feeder road will add traffic to the existing island; hazardous road layout; construction traffic will cause highway safety and access issues; a Construction Management Plan will not resolve the access and highway safety issues identified; the proposed access relies on a hedge being removed from 9 Pears Close which the owners to do agree to; members of the public also note that the roundabout at the end of Pears Close is in need of refurbishment.

Under the previous application, the layout of the access was amended to accommodate WCC Highways requests, and they subsequently withdrew their objection. The proposed access has been amended under this scheme as one of the proposed dwellings was removed. WCC Highways have objected to the proposal, noting that Pear's Close currently terminates in a turning circle which takes the form of a mini roundabout. Although not signed or demarked, it would be expected that vehicles using the Close would follow the Highway Code and travel clockwise around the feature. The proposed access point is configured to encourage vehicles to enter the development site by travelling anti clockwise around the turning circle to enter the site. An inherent lack of inter-visibility

between vehicles entering and leaving the site could result in vehicle conflict to the detriment of the safety of highway users.

The applicant has amended the proposed plans which have been sent to WCC Highways for consideration. Officers anticipate a response shortly and Councillors will be updated on this matter prior to the meeting. Adequate parking is provided which meets with the Council's Vehicle Parking Standards guidance and cycle parking could be accommodated within the site boundaries.

Waste Management

Members of the public have objected to the proposal as it would result in increased littering and inadequate provision for waste collection.

As amended, Waste Management have no objection to the proposed development and adequate waste and recycle storage can be accommodated within the site boundaries. As adequate waste storage has been provided, it is unlikely that the proposed additional dwellings would result in increased littering within the wider area.

Trees

Concern has been raised by members of the public regarding the loss of TPO trees on the site prior to the submission of the application and as part of the proposals. The Town Council also note that the loss of two remaining trees completes the removal of seven trees with TPOs from this site following the previous mistaken removal of five all of which were an essential part of the character of this area.

Many of the trees were felled on site following a letter received by former owner of the site in 2007 from the Council which stated that TPO W9 K1 had been revoked. The letter was however not clear and did not state that 1982 TPO 63 was still in place, and the former owner removed the trees on site on the understanding that all the TPOs had been revoked. The Council's Enforcement Team have investigated this matter and determined that no further action is required. As part of the proposed development, further TPO trees would need to be removed to facilitate the development. It is however noted that tree replacement planting is proposed to mitigate this loss.

The Council's Tree Officer has been consulted regarding the proposed tree removal and has no objection to the proposal, subject to the development being carried out in accordance with the details contained within the tree plan provided. Whilst the loss of further trees is regrettable, the Council's Tree Officer has confirmed that their removal is acceptable, stating that the trees to be removed are, "of unremarkable appearance or condition" and with little useful lifespan. It would be unreasonable of the Council to insist on the retention of trees with such low amenity value. Furthermore, the Tree Officer notes that retention of the trees could also cause nuisance to the future occupiers of the proposed development, causing risk or damage to the properties or pedestrians. The development is therefore considered to provide adequate measures in reference to trees and is in accordance with Local Plan policies NE2 and NE5.

It is noted that WCC Landscape have requested a full landscaping and tree replacement plan. For the reasons stated above, it is not considered reasonable to insist on a tree replacement plan. However, and hard and soft landscaping plan will be secured.

Ecology

There have been concerns raised by members of the public in relation to the impact on wildlife and "green corridor".

The proposed development would involve the demolition of an existing dwelling and also construction of more built development on the site. Bat surveys, details on how the local water supply would be protected and how biodiversity gain would be achieved have been provided by the applicant. WCC Ecology have assessed this information and requested the inclusion of conditions requiring the provision of a Construction and Ecological Management Plan and a lighting scheme to any approval. These are considered to be reasonable and will be added.

However, they also note that the proposal would not result in a biodiversity gain which was established by a Biodiversity Impact Assessment carried out by WCC Ecology. They note that there would be very little scope for habit creation and enhancement within the new layout of the site and therefore, biodiversity loss would have to be compensated for via biodiversity offsetting, which is calculated at £20,258. This would have to be secured via a Section 106 Agreement or Unilateral Undertaking. The applicant has agreed to enter into a legal agreement to secure the financial contribution which is being drawn up. Subject to this being deemed as acceptable by the Council's Legal Services Department and signing of the document, the proposal is considered to be in accordance with the NPPF and Local Plan policy NE3.

Flood Risk and Drainage

Members of the public consider that the proposal would increase the pressure on the flood plain and increase the risk of flooding. The Town Council also expresses concern regarding flood risk.

The very edge of the site is located within Flood Zone 3, and there will be no development within this part of the site. WCC Local Lead Flood Authority have no objection to the proposal, subject to conditions requiring the development to be carried out in accordance with the details submitted and the provision of a detailed surface water drainage scheme. These conditions are considered to be reasonable and could be added if the application were being approved.

The proposal is therefore considered to be in accordance with the NPPF, Local Plan policies FW1 and FW2 and KNDP policy KP12.

Other Matters

Members of the public have expressed concerns that the existing sewerage system may not be able to cope with the additional demands as a result of the proposed development. This matter would be dealt with at Building Regulations stage and does not form a material part of the consideration of this application.

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities for the new dwelling. The details submitted indicate that these would be provided. A condition will be added to secure this.

Members of the public have raised concerns regarding increased security risk to 9 Pears Close as the rear garden would be exposed as a result of the demolition of 8 Pears Close, which is contrary to Local Plan policy HS7. However, the relationship which 9 Pears Close would have with the proposed access road is not uncommon, and similar to any site which occupies a corner plot. Therefore, it is not considered that this represents a reason for refusal of the application.

Members of the public consider that approving the development would set a harmful precedent. However, for the reasons outlined above, it is not considered that the proposals represent a harmful form of development.

Conclusion

The proposal is considered to have overcome the reasons for refusal identified under the last submission. The proposal would provide 3 additional dwellings which have been designed to sit comfortably within the street scene and do not represent back land development. The proposals would have an acceptable ecological impact and would not have a detrimental impact on neighbouring residential amenity which would warrant reason for refusal of the application. Subject to WCC Highways confirming that they have no objection to the amended plans, the proposed development should be approved.

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 2389.1120 Rev P1, 2389.1100 Rev P1, 2389.1105 Rev P1, 2389.1150 Rev P1, 2389.1200 Rev P1, 2389.1205 Rev P1, 2389.1220 Rev P1 submitted on 19th July 2019 and amended drawing 2389.1000 Rev P2 submitted on 13th September 2019, and specification contained therein. **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, 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 expect to see details

concerning pre-commencement checks for badger, bats, breeding birds and otter 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 safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 4 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of tree, shrub and hedgerow planting, location of bat boxes, bird boxes and hedgehog access gaps in new fences. The agreed scheme to be fully implemented before/during development of the site as appropriate. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: hours of work (including noisy activities and deliveries); control of noise measures; 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; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. There shall be no burning on site. **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.
- 6 The development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first

occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.

- 7 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Provide evidence that the Environment Agency consent to a new connection and outfall into the Finham Brook.
 - Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with policies FW1 and FW2 of the Warwick District Local Plan 2011 - 2029.

- 8 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.

- 9 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
- 10 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.
- 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 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 The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment and Drainage Strategy Addendum submitted with the application. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme. **REASON:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with policies FW1 and FW2 of the Warwick District Local Plan 2011 - 2029.
- 14 No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the southern edge of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect protected species in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 15 The single storey flat roof area of Plots 1, 2 and 3 hereby permitted shall not be used as a balcony, roof garden or similar amenity area. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 16 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011-2029.

