

Planning Committee: 20 June 2017

Item Number: 5

Application No: W 16 / 1233

Town/Parish Council: Leamington Spa

Case Officer: Rob Young

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Registration Date: 19/09/16

Expiry Date: 19/12/16

19 Kenilworth Road, Leamington Spa, CV32 5TN

Demolition of existing structures and construction of replica east facing facade together with construction of new buildings and conversion of 2 cottages to provide 26 apartments, care office, residential lounge, car parking and landscaping (Use Class C2) as an extension of the Audley Binswood Hall Care Community. FOR Audley Care Ltd

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

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The application proposes the demolition of the existing building and the erection of a replacement building comprising apartments, a care office and residential lounge to form an extension to the Audley Binswood Hall Care Community (Use Class C2). The new building would have a replica east facing facade to match the Kenilworth Road facade of the existing building. The proposals include the conversion of the two existing cottages at the rear of the site to form part of the retirement complex. Car parking is proposed on the Kenilworth Road frontage, with a landscaped garden area set behind the existing boundary wall on the Lillington Avenue frontage.

There have been a number of amendments following the submission of the application, including:

- existing feature fish-scale roof detail to front elevation recreated on replacement building;
- design of balconies amended;
- french doors and balconies omitted from side elevation to Lillington Avenue;
- upper floor windows to south elevation annotated as obscure glazed and non-opening;
- garden store omitted from site frontage;
- rooflights to front elevation reduced in size;
- cycle parking provided;

- further soft landscaping added to Kenilworth Road frontage; and
- amended landscaping details to address issues raised by WCC Landscape.

THE SITE AND ITS LOCATION

The application relates to a detached property situated on the western side of Kenilworth Road. The property occupies a corner plot at the junction of Kenilworth Road and Lillington Avenue, which runs along the side boundary. The site is situated within a predominantly residential part of the Leamington Spa Conservation Area, although Arnold Lodge School adjoins the southern boundary of the site. The rear (western) boundary of the site is formed by a short private access road off Lillington Avenue that runs between the application site and Arnold Lodge School on one side and Audley's existing Binswood Hall site on the other. Dwellings face the site from the opposite sides of Kenilworth Road and Lillington Avenue.

The application property is currently vacant and was last used as a care home. It was originally constructed as a single dwelling and forms a group of similar properties with the adjacent buildings at Nos. 15 and 17 Kenilworth Road that now form part of Arnold Lodge School. The original building has been extended to the side and rear and now comprises a largely 3 storey building (with some accommodation in the roofspace forming limited 4 storey elements).

There is vehicular access to the site frontage from Kenilworth Road. A high brick wall forms the boundary with Lillington Avenue.

PLANNING HISTORY

There was a previous proposal for a redevelopment to create retirement apartments by a different developer in 2012 (Ref. W12/0800). That application was refused and a subsequent appeal was dismissed.

There have been a number of previous planning permissions relating to extensions to the application property. The most significant of these was granted in 1984 for "Erection of an extension to provide an additional bedroom wing and bedroom extensions; construction of a pitched roof over existing dining room and internal alterations" (Ref. W84/0488).

RELEVANT POLICIES

- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (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)
- The Emerging Local Plan
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Guidance Documents
- Affordable Housing (Supplementary Planning Document - January 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Open Space (Supplementary Planning Document - June 2009)

SUMMARY OF REPRESENTATIONS

Town Council: No objection.

Public response: 17 objections and one comment neither supporting nor objecting to the application have been received, raising the following concerns:

- loss of light for the adjacent school;
- loss of privacy for the adjacent school;
- loss of outlook, overbearing impact and visual intrusion for the adjacent school;
- the adjacent school playground would be enclosed with built development;
- child protection concerns due to windows overlooking the school playground;
- windows overlooking the school playground would not minimise the potential for crime and anti-social behaviour, contrary to Local Plan Policy DP14;
- loss of trees and landscaping;
- noise from construction work;
- inconsiderate and dangerous parking of contractors vehicles during the construction process;
- a condition should be imposed to limit hours of working and to require a Contractor Parking Plan;
- the site should be accessed from Lillington Avenue and not from Kenilworth Road due to the potential for conflict with queuing traffic at the adjacent traffic lights;
- stone mouldings and architraves should be added to improve the appearance of the development;
- the Council should have regard to the comments that the previous Appeal Inspector made about the relationship with the two cottages to be retained at the rear of the site;

- increased traffic congestion;
- concerns about the adequacy of the Transport Statement;
- inadequate parking;
- there is no need for more luxury retirement accommodation, but there is a need for affordable housing which this scheme makes no contribution to;
- the density is too high;
- the proposed design and scale is not appropriate for the conservation area; and
- loss of the existing historic building would harm the conservation area.

Cllr Thompson: Requests that a Construction Management Plan is required for this application. The site is next to a busy junction and the construction of the adjacent Binswood Hall scheme has caused real difficulties for local residents. Given that the site adjoins two of the main arteries through the town, construction activities could have a significant impact on traffic flows.

Conservation Advisory Forum: Recognise that this scheme is more sympathetic than previous proposals for this site and raise no objection provided that the fine detailing and architectural features from the original building, such as the characteristic fish-scale roof tiles, are replicated and recommend where possible reclaiming and reusing existing materials. Other proactive recommendations include implementing sympathetic railings responding to the historic context of similar properties in the area, that car parking is made part of a landscaping scheme to soften its impact, that the balconies visible from the front elevation are omitted from the scheme, and those to the rear are of an improved design.

Severn Trent Water: No objection, subject to a condition to require drainage details.

WCC Ecology: No objection, subject to conditions and informative notes.

WCC Highways: No objection.

WCC Archaeology: No comment.

WCC Landscape: Raise concerns about the loss of existing soft landscaping and the loss of the oak tree. Advise that further planting should be provided to soften the view of the development from the adjacent school. Also advise that further planting should be provided alongside the wall on the Kenilworth Road frontage.

WDC Waste Management: No objection.

WDC Environmental Health: No objection, subject to a condition to require a Construction Management Plan.

WDC Green Space: Request a contribution towards public open space.

WDC Tree Officer: No objection, subject to conditions in relation to tree protection.

ASSESSMENT

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

- the impact on the character and appearance of the conservation area;
- provision of affordable housing;
- the impact on the living conditions of neighbouring dwellings;
- the impact on Arnold Lodge School;
- provision for public open space;
- car parking and highway safety;
- impact on trees;
- ecological impact; and
- health and wellbeing.

Impact on the character and appearance of the conservation area

The Council has a duty, when considering planning applications relating to conservation areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

The assessment of the impact on the character and appearance of the conservation area falls into two parts. The first part relates to the principle of permitting the demolition of the existing building, while the second relates to the design of the proposed replacement building.

In relation to the demolition of the existing building, Policy DAP9 of the Warwick District Local Plan states 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 the conservation area. In assessing the contribution made by the existing building, it is notable that it forms part of a group of 19th Century Gothic buildings (with Nos. 15 and 17) that are believed to have been designed by the same locally significant architect. The Inspector in the 2012 appeal judged that the group formed by Nos. 15 to 19 makes a substantial positive contribution to the historical and architectural character of the conservation area. However, the Inspector accepted that a demolition might be acceptable if the replacement building was of a suitably high quality of design that is in keeping with the architectural style of this distinctive group of buildings.

As such, the two elements of the conservation assessment are inter-linked (i.e. the principle of permitting demolition and the design of the replacement building), because the Inspector's decision accepts the possibility of designing a suitable replacement building in an architectural style more in keeping with its neighbours at Nos. 15 and 17.

In this regard, the applicant has designed a building with an almost facsimile reproduction of the existing front elevation. This is not an exact copy, with the main differences being the omission of certain elements that are unsympathetic later additions to the original building (e.g. the left-hand projecting gable) and other changes such as the provision of a lightwell to the front (to enable full use

to be made of the basement). Nevertheless, the design of the front elevation that has been proposed is true to the appearance of the original building and maintains the uniformity of design of this group of 19th Century Gothic buildings that was noted by the Appeal Inspector.

Turning to the other elevations, amendments to the side gable elevation to Lillington Road have provided a more appropriate fenestration pattern compared with the scheme as originally submitted. The upper floor french windows and balconies have been omitted. Furthermore the remaining balconies to the side and rear elevations have been changed to a more appropriate design.

In terms of scale, whilst still a large development, the overall bulk and massing of the building has been reduced compared with the scheme that was dismissed at appeal. In particular the rear wing is now clearly a subservient feature, being a maximum 3 storeys in height. Furthermore, the element alongside the rear boundary is two storeys with a reduced eaves height to reflect the cottage style of the adjacent dwelling at Homewood Cottage (with that dwelling now also forming part of the proposed development).

Looking finally at the landscaping proposals, these have been amended to address concerns that were raised by WCC Landscape. This includes the provision of additional planting along the boundary with the school, as well as additional soft landscaped areas on the Kenilworth Road frontage. Nevertheless, there would still be less soft landscaping on the Kenilworth Road frontage than at present, and less than on the adjacent Arnold Lodge School site. As a result this represents a negative impact of the scheme. However, the amendments to the frontage layout have limited the harm that would be caused by this aspect of the scheme. Therefore, bearing in mind the wider benefits that the development would bring and the marginal viability of the scheme, it is not considered that a refusal of planning permission would be justified on these grounds. There is an issue with some of the species that are proposed to be used and therefore a condition is recommended to require revised planting details to be submitted for approval.

Drawing the above considerations together, it has been concluded that the design of building that has now been proposed has addressed the concerns that the Appeal Inspector raised in relation to the 2012 appeal proposals. Therefore, having regard to the conclusions of the Appeal Inspector in relation to the principles of demolition and the design of the new building, it is considered that the demolition and redevelopment now proposed would preserve the character and appearance of the conservation area. As such, the proposals are considered to be in accordance with Local Plan Policies DAP8 and DAP9.

Provision of affordable housing

The applicant has submitted a viability appraisal which demonstrates that the provision of affordable housing would render the scheme unviable. The viability appraisal has been checked and verified by the Council's independent surveyor. Therefore it has been concluded that affordable housing cannot be required in relation to this development on viability grounds.

Impact on the living conditions of neighbouring dwellings

The separation distance to the dwellings on the opposite sides of Lillington Avenue and Kenilworth Road would largely meet the minimum standards specified in the Council's Distance Separation Guidelines (being mostly at least 33m window to window to the dwellings on the opposite side of Lillington Avenue and at least 44m window to window to the dwellings on the opposite side of Kenilworth Road). The separation would reduce slightly below the 32m minimum set out in the Guidelines at one point between the small secondary windows to lounges in the smaller of the two rear wings in the proposed development and the flats in Pembroke Court on the opposite side of Lillington Avenue. However, this would be a very minor contravention of the Guidelines (only 1m less) and this would be an angled relationship across a public street. Therefore it is not considered that this would result in an unacceptable reduction in privacy for those properties. It is noted that the proposals include balconies on the north and west elevations, but the separation distance between these and the nearest dwellings would be at least 32m, which is considered to be sufficient to preserve privacy across a public street.

In view of the significant separation distances that would be achieved, it has been concluded that the proposals would not cause unacceptable loss of light, loss of outlook or loss of privacy for the neighbouring dwellings on the opposite sides of Lillington Avenue and Kenilworth Road.

The condition recommended by Environmental Health would provide adequate controls over demolition and construction activities. Therefore, for the reasons stated above, it has been concluded that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings.

Impact on Arnold Lodge School

A number of objectors have raised concerns about the impact of the development on Arnold Lodge School. In response the applicant has agreed that all upper floor windows facing the school playground will be obscure glazed and non-opening. However, whilst this would prevent overlooking, it does not address all of the concerns that the objectors have raised. Objectors are also concerned about loss of light and the overbearing impact on the school.

In this regard it is notable that the development now proposed would have a smaller rear wing than the 2012 appeal scheme. The rear wing of the 2012 scheme was largely 3 and 4 storeys in height, whereas the current proposals have a 2 and 3 storey rear wing. As such, any loss of light or loss of outlook would be reduced with the current scheme. This is significant, because the Appeal Inspector did not raise any concerns about the impact of the 2012 scheme on the school.

With this in mind, it has been concluded that the current proposals would not cause unacceptable loss of light or loss of outlook for the adjacent school. The existing building on the application site has a two storey rear wing alongside the school buildings and the nearest affected windows. Whilst there would be some

additional impact due to the increased height and length of the proposed rear wing, this would not be to an extent that would cause material harm to the operation of the school. In this regard it is notable that the vast majority of the windows in the school are situated away from that boundary. With regard to the playground, the proposals would increase the sense of enclosure for this space, but in an urban setting such as this it would be unreasonable to expect a school playground to retain its current unrestricted outlook over an adjacent site. Furthermore, the proposed rear wing is to the north of the school and therefore will not impact on the availability of sunlight to the playground.

With regard to the concerns that have been raised about construction activities impacting on the school, this would be addressed by the condition requiring the submission of a Construction Management Plan.

Provision for public open space

The applicant has agreed to make a contribution of £2,040 towards the provision or enhancement of public open space. This would meet the requirements of the Council's Open Space Supplementary Planning Document (which states in Appendix D that, in relation to housing schemes that are to particularly meet the needs of the elderly, contributions will be limited to those required for amenity open space). A condition is recommended to secure this.

Car parking and highway safety

Objectors have raised a range of highway concerns. However, the proposals have been assessed by the Highway Authority and they have raised no objection to the application. Therefore it has been concluded that the proposals are acceptable in terms of traffic impact and highway safety.

With regard to car parking, the Council's Parking Standards would require 38 spaces if this was a conventional residential development, whereas 19 spaces are shown. However, as the flats will form part of a care community, it is reasonable to expect that the demand for parking will be significantly less than for a conventional residential development. Furthermore, the proposed 19 spaces would be the same as the parking provision that was included in the 2012 appeal scheme, which was subject to the same parking requirement in the Parking Standards. The Appeal Inspector accepted that this level of provision would be appropriate in that case. The appeal scheme was for sheltered housing for the elderly, which would arguably generate a higher demand for parking than the care community proposed in the current application because residents of such a scheme would be likely to be less in need of care. Furthermore, the 2012 scheme proposed 4 more units (30 compared with the current 26). Therefore, taking into account the sustainable location of the site close to the town centre, it has been concluded that the parking provision would be appropriate.

Objectors have raised concerns about potential highways impacts during the construction process. This matter would be addressed by a Construction Management Plan, which can be secured by condition.

Impact on trees

A number of trees are proposed to be removed to make way for the proposed development. The Tree Survey submitted by the applicant categorises all of these trees as low quality. The conclusions of the Tree Survey have been verified by the Council's Tree Officer.

The most significant of the trees to be removed is the oak tree on the Lillington Road boundary. This is covered by a Tree Preservation Order. However, in the 2012 appeal decision the Inspector judged that this tree makes only a limited contribution to the character and appearance of the area, which is substantially outweighed by the contribution made by the rows of lime trees along Lillington Avenue. Furthermore the Inspector noted that the removal of oak tree would help to protect the quality of the lime-tree avenue, which are currently adversely affected by the oak tree growing so close. Therefore the Inspector concluded that removal of the oak tree would have no harmful effect on the character and appearance of the conservation area.

The other trees are less significant. Bearing in mind the low quality of the trees, it is considered that the loss of the trees will be adequately compensated for by the proposed replacement planting.

In terms of the impact on significant trees adjacent to the site and other trees to be retained, it has been concluded that suitable protection measures will ensure that this impact would be acceptable. This can be secured by condition.

Ecological impact

A bat survey has been carried out and this recorded a small population of common pipistrelle in the existing building. The County Ecologist has accepted the findings of the bat survey and has recommended a condition to require the implementation of mitigation measures in relation to the bats. This will ensure that the bats are not adversely affected by the development.

The County Ecologist has also recommended that a condition is imposed to secure a combined ecological and landscaping scheme to mitigate for any loss of biodiversity resulting from the loss of existing trees and shrubs. This and the other conditions recommended by the County Ecologist will ensure that the proposals will have an acceptable ecological impact.

Health and wellbeing

The proposals do not raise any significant implications for health and wellbeing.

Other matters

The proposals include a bin store at the rear of the site that would be accessed from Lillington Avenue. Based on the refuse collection strategy proposed by the applicant, which would be combined with the arrangements at the existing

Binswood Hall site, the Council's Waste Management team have agreed that the proposed bin store would be adequate.

A condition is recommended to require details of renewable energy production or energy efficiency measures to meet the requirements of Local Plan Policy DP13.

SUMMARY/CONCLUSION

The proposals would preserve the character and appearance of the conservation area and would have an acceptable impact on the living conditions of neighbouring dwellings and on the adjacent school. It has been demonstrated that the provision of affordable housing would render the scheme unviable. Furthermore it has been concluded that the proposals would be acceptable in terms of car parking, highway safety, impact on trees and ecological impact. Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 709-P-018B, 709-P-019B, 709-P-020B, 709-P-021B, 709-P-022B, 709-P-023B, 709-P-024E, 709-P-026C, 709-P-143 & AL6382-2000 REV A, and specification contained therein, submitted on 9 June 2017. **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, shall be submitted to and approved by the District Planning Authority before any construction 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 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), rooflights, dormers, eaves, verges, railings, balconies 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials 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 and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
- 7 The development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; 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; measures to limit noise and disturbance; a construction phasing plan; and a HGV routing plan. **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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.
- 8 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
- (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and

approved in writing by the Local Planning Authority; and

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

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

- 9 The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 10 The development hereby permitted shall either:
 - a) be timetabled and carried out to avoid the bird nesting season (March to September inclusive); or
 - b) not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds (immediately prior to works commencing). If evidence of nesting birds is found works shall not proceed within 20m of the nesting site until outside of the bird nesting season (March to September inclusive).

REASON : To prevent possible disturbance to nesting birds, in accordance with Policy DP3 of the Warwick District Local Plan.
- 11 No works shall commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme must include all aspects of landscaping including details of native planting (including tree replacement planting, wildflower area) and installation of bird boxes. The agreed scheme shall be fully implemented in strict accordance with the approved details. **REASON:** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework.
- 12 Notwithstanding the details shown on the submitted plans, the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have 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 to direct run-off 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 similar size and species, unless the local planning authority gives written consent to any variation. 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 13 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 during any such construction work unless otherwise agreed in writing by the local planning authority. 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 and adjacent to the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 14 No development shall commence until a suitably qualified tree specialist has been appointed to supervise works within the root protection areas of the trees to be retained on site and adjacent to the site. The appointed tree specialist shall undertake supervision and monitoring of the tree protection works throughout the construction period and following the completion of construction works shall submit a completion statement to the local planning authority to demonstrate compliance with the approved tree protection measures. **REASON:** In

order to protect and preserve existing trees within and adjacent to the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

- 15 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All 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 (excluding hard surfaces). **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.
- 16 The dwellings shall not be occupied unless and until the cycle parking, 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** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 17 None of the apartments hereby permitted shall be occupied unless and until the bin store has been constructed in strict accordance with the approved plans. The bin store shall be retained at all times thereafter. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 18 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.
- 19 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.
- 20 Prior to the occupation of the development hereby permitted, the first and second floor windows in the south elevation as annotated on the approved plans 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 DP2 of the Warwick District Local Plan 1996-2011.

- 21 Other than staff accommodation which may be provided on-site, each unit of accommodation hereby permitted shall be occupied by at least one person in need of personal care by reason of old age, infirmity or disablement. **REASON:** To ensure compliance with the terms of the application, which proposes that the development will be an extension of the existing Binswood Hall care community.
 - 22 The roofing material for the development shall be natural slate, a sample of which shall have been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.
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