

**Planning Committee:** 20 March 2012

**Item Number:** **12**

**Application No:** W 11 / 0804

**Town/Parish Council:** Barford

**Registration Date:** 23/06/11

**Case Officer:**

Penny Butler

**Expiry Date:** 18/08/11

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**2 Church Street, Barford, Warwick, CV35 8EN**

Demolition of the existing property with a proposed replacement 2 bedroom dwelling, together with an additional 2 bedroom dwelling to the rear FOR Ms D Hope

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This application is being presented to Committee as it is recommended for approval, contrary to the views of the Parish Council.

This application was deferred at Planning Committee on the 28 February 2012, to enable negotiations regarding the scheme to take place. The applicant was asked to consider extending the 5 year period that the additional dwelling will be offered as affordable. The agent has submitted the following statement, and the report which follows is the same as that presented previously:

"We have had numerous discussions with the housing department who made the position quite clear in that the usual mechanism for delivery of affordable housing was through a registered provider, however they also confirmed that a registered provider would find a single unit financially unviable.

This suggests that any proposal where the 40% rule was activated, and this brought a single unit into the affordable category, then it could not be accepted through the usual mechanism because it would always fall into the category of not being financially viable.

So how are affordable units going to be provided?

The Barford Housing survey identified a need in 2009 and tasked Barford Parish Council to identify a site.

To-date, no affordable unit has been delivered and the list of those qualifying for accommodation is increasing.

PPS3 defines social rented housing as: \_

" Rented housing owned and managed by local authorities and registered social landlords"

however it goes on to say that: \_

" It may also include rented housing owned or managed by others under equivalent rental arrangements to the above"

There are other options which could be considered, for example " intermediate housing is often unaffordable to those in housing need, and certainly to those in

receipt of housing benefit, however the council accepts that there is a role for such housing in the form of the following tenures:-

- Intermediate rent ( rent charged above that of social housing but less than the open market rent)
- Homebuy ( formally shared ownership)or
- Rent to Homebuy.

This is exactly what my client is offering in this instance and is prepared to enter into a statutory undertaking to ensure that this can happen.

As you are aware my client owns this corner site along with the properties at 1 Wellesbourne Road and all of these would share in the facilities on site, managed and maintained by his company.

This offer is made to at least start filling a gap in an identified , which currently is not being met and is offered at affordable rent values for a period of 5 years which should be enough time for a site to be identified and the need satisfied elsewhere in the village.

The affordable rent required by the housing department amounts to £600.00 per calendar month, whereas the market rental value for a 2 bed house in this area would be £ 875.00 per calendar month.

This represents, over the 5 year period , a financial contribution of £ 16500.00 being offered by my client.

Any tenant accepting and offered the property would be fully aware of the time limit and would know that after this time the rental cost would resort to a market value ( whatever that may be in 5 years time).

It should be anticipated that a tenants aspirations over 5 years, would be to move towards independence and away from social housing and this proposal would offer means by which this opportunity could be fulfilled.

This is a genuine offer to give a young , local couple an opportunity to stay in the village at an affordable rent, subsidised by my client, for a period of 5 years. After that period of time it is hoped that the Parish Council would have identified and facilitated the construction of the affordable housing identified in their survey and this would give the tenants of the dwelling now proposed the opportunity to move into this development. It is also a possibility that the tenants financial position might have changed to a situation where they might like to continue renting the property at a market value or even purchase the property at market value."

### **SUMMARY OF REPRESENTATIONS**

**Barford, Sherbourne & Wasperton Joint Parish Council:** The JPC OBJECTS:

1. The impact of the development on parking provision, access and highway safety.

2. The inappropriate fenestration. The Barford Village Design Statement (BVDS) states: "Windows should be small with narrow glazing bars and tend to have a longer vertical than horizontal axis".

3. The BVDS has the following guidance for infill in Zone 1: "There is some, albeit limited, scope for further infilling in this area because historically the village grew in a haphazard, unplanned manner sometimes leaving spaces between individual properties. Over the years many of these have been filled, some more sensitively than others. There are examples where properties have been built behind the existing frontage. While we may have become accustomed to those forms of development, they tend not to be appropriate. Any such development will need to be designed very carefully to retain the character of the Conservation Area and the setting of any adjacent listed buildings. Bear in mind that spaces can often be as important as buildings in defining character." This proposal runs contrary to some aspects of that advice.

The JPC have also provided comments requesting a contribution towards open space improvements in the Parish should the application be approved. There are plans to enhance Barford Playing Fields and the Village Green, and also to provide a mixed use facility on land leased from WCC, so would request a contribution if one is appropriate.

**Public response:** 3 Wellesbourne Rd- Object. The proposed rear dwelling will impact their view and skyline and will block significant light to their kitchen and be overbearing. The dwelling will be approx. 5m high and 3.5m from their garden, and 8m from their kitchen window. This side kitchen window is north-east facing so needs all available light in that area.

6 Cedar House, Bridge Street- Object. Loss of light and privacy to their front elevation, window size appears extremely disproportionate to the rest of the village and would harm their view, light and privacy. These concerns were raised previously and do not appear to have been addressed.

9 Wellesbourne Rd- Object. Overdevelopment of site as the proposal is far wider than the original building being demolished. The site entrance causes highway safety concerns being close to the mini roundabout. 7 parking spaces are proposed not 2 for each dwelling as mentioned. The new east wing close to the pavement is incongruous with the surroundings, none have black timber boarding and there is only one house with a gabled window, which is to the first floor only. Windows of the proposed size and shape in this vicinity have paned glass windows and leaded lights, not modern flat glass windows. The height of the proposal causes concern. When the shed is removed, the size elevation of no.1 Wellesbourne Rd will be revealed and the building taking its place should complement the cornerstone of the village.

**WDC Green Infrastructure Manager (Cultural Services):** No objection subject to conditions requiring a method statement, details of levels and surfacing and other further details (conditions as approved for W08/0734).

**WDC Housing Development Officer:** (Initial comments):

1. The application is for the demolition and replacement of a 2 bedroom dwelling together with the construction of a new 2 bedroom dwelling, I understand that in this instance the policy requirements of RAP1 of the Local Plan will therefore need to be met in relation to the new dwelling.

2. RAP 1 a) allows for new market housing within Barford on previously developed land to meet an identified need. The land is previously developed however, there is no evidence of need. The Housing Needs Survey that was

completed for the Joint Parishes of Barford, Sherbourne and Wasperton in January 2009 identifies the need for the provision of 11 affordable dwellings.

3. RAP 1 b) allows for the provision of housing if it is affordable in accordance with Policy RAP4.

4. RAP 4 allows for the provision of affordable housing to meet the needs of local people and is available in perpetuity. Whilst the developer is proposing that one of the 2 bedroom dwellings is affordable it does not meet the Council's policy requirements to be deemed as affordable.

The usual mechanism for the delivery of affordable housing is through a Registered Provider (RP), the developer transfers the affordable units to the RP who lets and manages the properties. I can confirm that an RP will not be in a position to take on 1 dwelling as this would not be viable financially or in terms of management. With reference to this particular proposed development there would also be the issue of costs of maintaining the shared drive.

Even if the dwelling was offered at 80% of market rent this may not be deemed as affordable in accordance with RAP 4 as it would have to demonstrate that it achieves weekly outgoings significantly below the maximum affordable to households in housing need.

The time period of 2 years does not accord with affordable housing being available in perpetuity and again an RP would not be willing to manage one dwelling on this basis, it would pose issues around the granting of a tenancy : RP's do not grant fixed term tenancies for 2 years and ultimately the tenant would also need to be re-housed after this period.

Any dwelling that is provided as affordable must meet the minimum design standards as set out in the Affordable Housing SPD.

(Further comments): We welcome the extension to the proposed fixed term from two years to five years. However, whilst I appreciate the developers efforts in meeting the Council's requirements it does not meet the policy requirement for the dwelling to be affordable in perpetuity.

The dwelling is being offered as affordable for a fixed period of five years, after which it will revert to market housing (either rented or for sale), Housing Strategy therefore cannot support this application.

**WDC Environmental Health:** The proposed air source heat pumps, of the design quoted and when situated in the proposed positions, are unlikely to cause a noise nuisance to occupiers of neighbouring premises. There is unlikely to be any disturbance to occupiers of the development, should traditional construction methods be employed. If different equipment, positions or surrounding fences/walls are not be constructed as per the plan then there may be nuisance.

**WCC Archaeology:** No objection subject to condition for programme of archaeological works.

**WCC Ecology:** Works can proceed with no need for further bat survey work or mitigation, however an advisory note is required. Nesting bird and badger notes are also recommended, and mature trees or hedgerows should be protected from works by a 2-3m buffer zone.

**WCC Highways:** No objection subject to conditions for minimum access width and surfacing, foot way crossings, no gates to open within 7.5m of carriageway, turning and parking/loading space, no harm to drains/ditches.

**Cultural Services (Open Spaces):** Warwick District Council does not own or manage any public open space in the village and will not therefore require a contribution towards open spaces. However there is accessible greenspace at the Village Hall grounds and Playing Fields on Church Lane, assumed to be owned by the Parish Council. The quality of the greenspace or any development plans to improve them are not known, so I cannot determine whether an offsite contribution is justified and recommend you contact the Parish Council.

### **RELEVANT POLICIES**

- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- Barford Village Design Guide (2009)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- Open Space (Supplementary Planning Document - June 2009)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- RAP4 - Providing Rural Affordable Housing (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)

### **PLANNING HISTORY**

Planning permission was granted for the change of use of a building to a garage in 1956, with extensions being approved in 1953, 1970, 1990, 1997 and 2006. Consent was given in 2008 (W08/0734) for the demolition of the garage and the construction of an access drive as part of a development involving No.1 Wellesbourne Road, along with large rear and side extensions to no.2 Church Street and a quadruple garage to the rear.

In 2011 an application (W11/0012) was withdrawn for a similar scheme to the current proposal with dwellings of different design and a slightly different parking layout.

Also related to this site is the approved conversion of no.1 Wellesbourne Road from shop and dwelling to two semi-detached properties (W09/1304), which provided three parking spaces for these two dwellings, and two for no.2 Church Street, within the current application site.

## **KEY ISSUES**

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

The application site is located near the corner of Wellesbourne Road and Church Street in the centre of Barford village and Conservation Area. The application site excludes the old village shop and the low walled garden on the corner of the junction which contains a sizeable timber and metal roofed building fronting Church Street and a large protected Cedar of Lebanon tree which overhangs the highway (although this land is within the same ownership). The site includes a cottage in Church Street (no.2), which has a gated parking area at the side behind a tall boundary wall and small rear yard. The application site extends behind the house to the rear of no.1 Wellesbourne Road, the vacant shop and dwelling, and a two storey electricity sub-station. Behind the sub-station which fronts Wellesbourne Road, within the application site, are adjoining brick outhouses and a timber shed, all within a walled yard.

Outside the site to the south (to the side of no.1), a shared agricultural access to Barford House runs along the walled boundary, adjacent to which is no.3 Wellesbourne Road, an extended Victorian house. To the east of the site on Church Street is a terrace of four 1970s houses set back from the road behind a parking area, with a block of flat roof garages at the rear.

### **Details of the Development**

The proposal includes the replacement of the two storey cottage fronting Church Street with a larger L shaped two storey dwelling. The replacement dwelling would adjoin the public foot way as it does currently and the existing footprint of the building would be replicated, with a new two storey element to the side infilling the existing gated side area. This new part will be set back with a projecting two storey oriel window feature clad in black stained timber boarding. The replacement dwelling will be 7m high, where the current dwelling is 5.7m to the ridge. This will be a two bedroom dwelling with a small courtyard and separate small garden area, with separate space for bin storage and an air source heat pump.

Also proposed is the creation of a new vehicular access from Church Street, following the demolition of the large timber building adjoining no.2 Church Street, which will lead to a parking area providing seven spaces, three for no.1 Wellesbourne Road, two for the replacement dwelling at no.2 Church Street, and two for a new dwelling. This new dwelling is proposed directly to the rear of the electricity sub-station on Wellesbourne Road, following the demolition of the existing outbuildings, and will be erected with its rear elevation on the southern site boundary with the agricultural access. It will front the new parking area inside the site and be 1.5 storeys high with the first floor accommodation being provided partly within the roof space. This will be a two bedroom dwelling with small garden area and separate space for bin storage and an air source heat pump.

### **Assessment**

The matters for consideration in this case are:

- Provision of new housing with Barford village
- Impact on visual amenity of the Conservation Area

- Impact on residential amenity
- Impact on protected tree
- Impact on highway safety
- Provision of renewables
- Open space requirement

### Provision of new housing within Barford village

Local Plan Policy RAP1 states that new residential development will be permitted on previously developed land within Barford "where any market housing meets a specific local need as identified by the community in an appraisal or assessment", or where it is affordable housing in accordance with policy RAP4. The 2009 Barford, Sherbourne and Wasperton Housing Needs Survey identified a need for 11 affordable housing units, but did not identify a need for any market housing so the applicant has been in discussion with the Council regarding how they can address the requirements of policy RAP1. The proposed new dwelling on this site is a 2 bed house and following negotiation with the Housing Development Officer, it is now being offered by the applicant as affordable for a fixed term tenancy period of five years, after which it will revert back to market housing. A Section 106 legal agreement would be entered into to secure this offer, and would be acceptable to the Council and comply with policy RAP4. However, this policy requires that affordable housing be made available in perpetuity through the legal agreement, and this would not be the case here so the proposed dwelling is contrary to policies RAP4 and RAP1. The Parish Plan states that "any future development within the village should include affordable, smaller and sheltered units", and this proposal is small albeit affordable only for five years.

Other material considerations must be weighed against the policy conflict with RAP1 and RAP4. The benefit to the community of providing one affordable unit, even if only for a five year period, weighs in favour of the development, as is the proposals contribution to meeting recognised housing need within the wider District. An alternative to the proposed scheme would be to omit the house which is contrary to policy, but this would not be making best use of the site and could be considered contrary to policy DP5 due to a reduced density of development. This is an obvious site for infill development, is considered acceptable in all other terms, and will be similar to other successful similar schemes nearby. It is not certain that the affordable need can be provided elsewhere in the village due to the limited availability of developable sites. After the five year period it is possible that a need for market housing will have been identified within the village, but this clearly cannot be relied upon. Other development sites may also have come forward and have been granted consent which may meet any future need, or equally meet the need arising from the tenant who would require re-housing from this development. Taking all these circumstances into account, I consider that the overall benefits of the scheme will outweigh the conflict with policies RAP1 and RAP4.

### Impact on Conservation Area

Local Plan Policy DAP8 requires development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. Policy DAP9 sets out the presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area, whilst Policy RAP3 permits the replacement of existing dwellings where they are of poor architectural design and do not add to the rural

character of the area. The existing dwelling at no.2 Church Street is not considered to be of any particular architectural merit or to make a particularly positive contribution to the Conservation Area, as it is very simple in character with modern windows and meter boxes on the frontage, and the front brick elevation has been painted. I do not therefore consider that there should be a presumption in favour of the retention of this building. In terms of applying Policy RAP3, Barford is a large village and, at this location, does not have a particularly rural character, and also any development will not have an impact on the openness of the surrounding rural area. For this reason the rural area policies of the Local Plan are not normally strictly applied, so the requirement for replacement dwellings to be not materially larger than the building they replace is not considered appropriate in this case.

The Barford Village Design Guide is a relevant material consideration. This regards the cedar tree as one of the most symbolic elements of the village, and the land surrounding the village notice board as 'almost public property'. It also states that sufficient parking spaces should be provided within the curtilage of dwellings, particularly where there are on street parking problems. Driveways should be permeable and care should be taken to protect the quality of frontages on the main route. Infill schemes should be small scale in nature and knit effectively with the existing pattern of development, but properties built behind existing frontages tend not to be appropriate. Any such development will need to be designed very carefully to retain the character of the Conservation Area and setting of any adjacent Listed Buildings. It should be borne in mind that spaces can often be as important as buildings in defining character. New buildings should be predominantly of Warwickshire red Brick and roofs should be traditional clay tiles or slate, with chimneys to break up the roof line. Windows should be small with narrow glazing bars and have a longer vertical than horizontal axis.

This proposal is for an infill scheme and is small scale, but does also propose a new dwelling built behind the existing frontage. I consider that the scheme has been carefully designed to retain the character of the Conservation Area and that it complies with the aspirations of the design guide. I do not consider that the development would appear overly cramped or harmful to the visual amenity or character of the surrounding area. I do not have any serious objection to the proposed increased height of the replacement dwelling, since the resulting height will be similar to the dwellings on the eastern side of the site, and many other dwellings in the vicinity are taller still. Warwickshire red facing bricks are proposed with red hand made clay roof tiles and a chimney to the Church Street dwelling. The window lights are longer vertically than horizontally but have a longer horizontal axis overall due to their three light width, however, I do not consider this would be to the detriment of the area as there are similar width openings in the houses adjacent and opposite on Church Street. The proposed additional bulk to the 2 Church Street property, at the side, has been set back so the original width of the dwelling will still be evident, and this also breaks up the width of this frontage so it will not be significantly more visually dominant than the existing house. A two storey extension to the side of no.2 was approved in 2008, of the same width albeit with a lower ridge line. In summary, I consider that the proposed scheme would enhance the character and appearance of the Conservation Area, reflect local distinctiveness and reinforce the established character of streets. I therefore conclude that the scheme would comply with the requirements of policies DP1, RAP3, DAP8 and DAP9.



### Impact on residential amenity

Policy DP2 only permits development which does not have an unacceptable adverse impact on the amenity of nearby neighbours and provides acceptable standards or amenity for future occupiers of the development. The house opposite (6 Cedar House) objects to loss of privacy, but I do not consider the impact will be unacceptable. Currently there are two ground floor living room windows facing their property and two first floor bedroom windows, whilst the proposal is for two living room windows plus a WC window at ground floor, and one bedroom, one en-suite bathroom and one store room windows at first floor. Some of the habitable room windows are marginally wider than the current windows, but since the view from them to their property is over the public road I consider there would be no material decrease in privacy for this property.

I consider there would be no serious harm caused to the nearest neighbour to the east (no.4 Church Street) as there is a shared vehicular access running between the properties, and the proposed extension would be set back behind a 45 degree guideline from this properties nearest front windows to habitable rooms.

The neighbour to the south (no.3 Wellesbourne Road) is again separated from the site by a vehicular access, and currently a brick boundary wall. The proposed new dwelling will be built with its rear elevation on this boundary since it will front the yard and parking area. The only openings proposed on this side are four roof lights serving a bedroom and en-suite bathrooms, therefore I do not consider there would be any significant loss of privacy created to this neighbour. This neighbour has one (north) side facing kitchen window which would be affected, and there is also a rear facing window into this room. This side window is sited about 8m from the proposed building, and there will be a significant increase in height from the existing boundary wall to the ridge height of the new building so there will be an impact on this window, and the new building will be clearly visible. However, I do not consider that the proposal will cause such loss of light or have such an overbearing impact, as to warrant refusal, given that this is a side facing window and a reasonable distance away.

The proposed dwellings will each have a very small garden area and allocated space for bin storage and two parking spaces, and although their private amenity space will be very modest it will not be totally out of character with the kind of developments found in Conservation Areas. These can typically be much more restricted than more suburban developments and I do not consider that the amenity of the future occupiers would be constrained to an unacceptable extent.

The impact of the proposed air source heat pumps on the proposed and adjacent properties has been considered by the Environmental Health Officer and is considered acceptable in noise terms. For the above reasons I conclude that the scheme would not conflict with policy DP2.

### Impact on protected tree

Policy DP3 requires important natural features to be protected therefore the impact of the development on the protected Cedar of Lebanon tree has been carefully considered. On the basis of the expert advice received, I am of the opinion that the tree will be adequately protected, subject to a number of protective measures required by condition. The details of some of these protective measures have been submitted with the application. The driveway will

be constructed using a 'no dig' type construction where it passes over the root system of the tree, and the proposed surfacing will be permeable. The proposal is therefore considered to comply with policy DP3.

#### Impact on highway safety

The introduction of a new vehicular access point at this location has been previously approved twice in 2008 and 2009 and is still extant. The provision of three parking spaces for no.1 Wellesbourne Road was also approved in 2009. This application now proposes to provide two parking spaces for the replacement and the new dwelling. These are each two bedroom units, and the Council's Vehicle Parking Standards require such units to normally provide 1.5 spaces, although in rural areas two spaces are allowed per dwelling. Since the development would comply with these maximum standards I can see no grounds for refusal on the grounds of lack of parking. I therefore consider that the proposal would comply with policy DP8 - Parking and the SPD, and also comply with the Barford Village Design Statement which requires sufficient parking to be provided within the curtilage of dwellings. The dimensions of the parking spaces have been amended slightly to ensure they comply with the requirements of the Highway Authority.

#### Provision of renewables

The proposal includes the provision of two air source heat pumps in order to meet the requirement for 10% of the projected energy needs of the new and replacement dwellings to be provided from a renewable source. The scheme would therefore meet the requirements of policies DP12, DP13 and the Sustainable Buildings SPD.

#### Open space requirement

The Parish Council have requested a contribution towards the improvement of open spaces in the village therefore I intend to require the payment of £1,256 through a legal agreement. This is the appropriate amount for the new two bedroom dwelling in accordance with the Council's Open Space SPD, which would comply with policy SC13.

### **RECOMMENDATION**

GRANT, subject to the conditions listed below, and on completion of a Section 106 agreement to provide one affordable dwelling for a fixed period of five years and the payment of £1,256 towards the enhancement of open space within the village.

### **CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form and approved drawing(s) (4587.10A & 4567.11A submitted on 4 August 2011; 4567.12 & 4567.13A submitted on 11 November 2011), and specification contained therein, unless first agreed otherwise in writing

by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 Prior to any development or demolition commencing a method statement detailing the means by which those buildings to be demolished will be demolished must be submitted to and approved in writing by the Local Planning Authority. Particular attention is to be paid to the way in which damage to the protected tree or its root system is to be avoided. All work is to be carried out strictly in accordance with the submitted and approved method statement.  
**REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- 4 Prior to any development or demolition commencing there shall be submitted to and approved in writing by the Local Planning Authority:
- Details of existing and proposed finished levels beneath the canopy of the protected tree.
  - Details of the construction of the proposed 'no dig' permeable driveway, including detailed cross sections, full details of all materials to be used and details of the method of construction to be employed.

All work is to be carried out strictly in accordance with the details submitted and approved.

**REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- 5 Prior to any development or demolition commencing there shall be submitted to and approved in writing by the Local Planning Authority details of all measures to be taken to prevent damage to the protected tree, including:
- Details of the position and nature of protective fencing to be erected around the protective tree.
  - Details of which operations will be prohibited within the protective fencing.
  - Details of timing of erection and of removal of the protective fencing around the protected tree.
  - Details of the means of ingress and egress for construction traffic.
  - Details of the locations where materials will be stored during construction, which must not be within the protective fencing.
  - Details of the routes of any underground services, including drainage, power, water and communications, and, where those come

within 10m of the protected tree details of the means by which they will be installed.

- Details of all landscaping work to be carried out within 10m of the protected tree.

All work to be carried out in accordance with the details submitted and approved.

**REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- 6 No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.
- 7 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 8 The development shall not be commenced until an access for vehicles has been provided to the site not less than 5 metres in width at any point for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 9 The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 10 Gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 11 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of

the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A, B, E or F of Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 13 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 14 The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 15 The area indicated on the plans hereby approved for vehicle parking and manoeuvring space shall at all times be kept free of obstruction and be available for those purposes. **REASON** : To ensure that adequate parking and turning facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

## **INFORMATIVES**

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located, highway safety, the amenity of any neighbouring dwellings, or serious harm to the health of the protected Cedar tree. The size, siting, and relationship to surrounding buildings and the Conservation Area, and the need for affordable housing and housing generally within the District are considered to constitute special justification to warrant granting planning permission contrary to Policies RAP1 and RAP4.