

Planning Committee: 08 March 2005

Principal Item Number: 01

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Town/Parish Council: Leamington Spa

Expiry Date: 06/08/2004

Case Officer: John Edwards

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Kenilworth House, 60 Kenilworth Road, Leamington Spa, CV32 6JY

Demolition of existing site buildings and erection of 42 residential units with associated car parking and landscaping. FOR Micro Design Group

This application was deferred at Planning Committee on the 14 February 2005, to enable a site visit to take place on 5 March 2005. The report which follows is that which was presented previously.

One further letter was reported in the addendum to this report that expressed concerns about traffic hazards in the vicinity of the proposed vehicular access to the site.

In the meantime, two further letters have been received. The owner of 'The Birches' at 58 Kenilworth Road has written to express support for the proposals. The consultants for the RABDF have also written to reiterate the following matters of concern referred to in their address to the ' Committee, namely:

1. Condition 9 should be amended to require a minimum width of 5.5 metres for the internal access roads to allow two-way traffic flows of commercial vehicles and cars, as well as cater for pedestrians;
2. The siting and proximity of units 37, 38, 41 and 42 in relation to Dairy House would have an oppressive, overdominant and overbearing impact and would result in the loss of light and outlook to windows in the northern elevation of Dairy House;
3. The siting and proximity of unit 38 to the access road and turning head could possibly inhibit the sweep of commercial vehicles visiting Dairy House and the corner of the building would be prone to damage. The omission of unit 38 would address this objection;
4. The proposals would result in the loss of 4 out of 15 parking spaces within the demise of Dairy House. Modifications to the site layout are requested in to ensure these spaces are retained.

In response to these points, condition 9 has been amended accordingly.

Further consideration was also given to the application by the CAAF at their meeting on 10 February 2005:

"The importance of this site in the conservation area was stressed. Some discussion took place on the original demolition. It was felt that the redesign still represented overdevelopment and poor design. It was felt that the density should be no more than Northumberland Court on the opposite side of the road. Concern was expressed at the impact on the traffic in Kenilworth Road. Concerns were expressed at the loss of trees to the rear of the site. It was strongly felt that the design was unacceptable and should be refused and determined at appeal."

The Ward Councillor, Mrs Ethne Goode, has also requested clarification of the 'fallback' position in relation to car parking, access and highway safety. As reported below, Members were minded to grant planning permission at the meeting on 10 October 2001 to application W20010086 for substantial extensions to the then existing premises on the east (rear) and south (side) elevations to provide 881 sq. metres of new office floorspace

on three floors to provide a total of 2936 sq. m. The proposals made provision for a total of 67no. car parking spaces and 20no. cycles and 5no. motorcycles, with access retained from Kenilworth Road. Work commenced on the implementation of this consent in 2003. However, Ince House was demolished during these works which, in effect, rendered the permission incapable of further implementation. Nevertheless, in relation to car parking, access and highway safety matters I consider this permission remains a material planning consideration of significant weight in the assessment of the current proposals.

SUMMARY OF REPRESENTATIONS

Original Plans

Town Council: Object for the following reasons:

"(1) The application will generate significant numbers of vehicle movements onto an already busy highway. Consistent with Policies DP6 and DP7 of the Local Plan, the applicant should be required to demonstrate how these policies can be complied with in terms of avoiding the adverse impact upon existing traffic flow and ensuring convenient and safe access onto the highway for those resident within the site.

(2) The proposal is considered to be of a density that will compromise the character of the area and existing standards of residential amenity."

The Leamington Society: *"Recommend refusal in order to get a density between 30-50 units/hectare; 17.5 m separation between the two facing wings; more parking spaces for residents and visitors; more open space to take larger growing trees."*

WDC (Environmental Health): No objection in principle. Recommend controls over construction work may be advisable to limit dust and noise nuisance.

CAAF: *"Significant concern was expressed at the additional traffic that would be created by this development using the single access onto Kenilworth Road. It was also pointed out that the waste collection points were completely unacceptable for the number of dwellings. In terms of the design this was not felt to be appropriate, it was considered that there was little scope now for repeating the Queen Anne design on this site which now bore no relation to other buildings in Leamington Spa. Either a design to repeat the existing stucco villas on the Kenilworth Road should be adopted or a completely contemporary design should be considered. The scale of the development particularly the large rear wings were completely unacceptable in design terms. The garage style houses to the rear were considered inappropriate and again overdevelopment. It was felt that if the density was reduced appropriate distance could be achieved between the wings and also more on site parking could be included and more landscaping along the front, thus reflecting landscaping of other properties in Kenilworth Road. (Concern was expressed at the detailing which it was felt was completely alien to the area). Members also wished previous comments to be added to these comments."*

i.e. "It was felt that the scheme was overdevelopment of the site and inappropriate form of development for this site. The very large wings running from the back of the two villas was felt to be inappropriate in this location. The extensive use of coach-house design at the rear was felt to be excessive and inappropriate in this location. The elevations of the rear wings were considered to be bland in terms of their architectural treatment. It was generally felt that the proposal would not add anything to the Conservation Area. There was concern over the lack of car parking spaces and the provision of car parking right up to the boundary at the front was felt to be inappropriate. It was suggested that a reasonably contemporary scheme could be considered for this site, if it is to be used for residential purposes."

WCC (Structure Planning): The proposal complies with the General Development policies of the Structure Plan which direct most new residential development to towns with more than 8,000 people. A commuted sum of £162,114 will also be required in relation to education and library costs generated by the proposals to be secured by a Section 106 Agreement.

WCC (Ecology): Recommend a bat survey is undertaken to establish the location of any bat roost(s) and to identify suitable mitigation measures for their protection during and after demolition/redevelopment. Advisory notes on nesting birds should also be attached to any permission that is granted.

WDC (Leisure & Amenities): *"All the existing trees to the front of the site are dead or in very poor condition and their loss is inevitable.*

Trees adjacent to the highway but within private curtilages are an important feature of Kenilworth Road. Although there are relatively few street trees on this road the impression gained is one of a tree lined street. The opportunity should be taken to ensure that large growing species are used in the landscape scheme where they adjoin the highway.

I have concerns about the distance between dwellings at the rear of the site and off site vegetation. There is likely to be pressure from future residents on the neighbours to remove some of this vegetation."

WCC (Fire & Rescue): No objection, subject to provision of fire hydrants and water supplies.

Neighbours: 1 letter of support, 1 withdrawn objection and 9 separate letters of objection on grounds relating to harm to highway safety of Kenilworth Road caused by the volume of traffic that would be generated by the proposals in proximity to the junction with Northumberland Road/62 Kenilworth Road where the width of the carriageway is reduced by the existing turning lane and the conflict of manoeuvres that would occur; inadequate car parking provision; harm to residential amenity through loss of privacy from over-looking, over-dominant/obtrusive visual impact, noise and disturbance; harm to the character and appearance of the Conservation Area by reason of the scale, density, siting and design of the development; loss of boundary trees.

WCC (Highway Authority): *"The Highway Authority's response to your consultation in regard to the above application which was received by the Council on 24/06/2004, is one of a HOLDING OBJECTION until the following matters have been resolved:*

1. From the supporting information accompanying this application, it suggests that traffic associated with residential development to the scale being proposed, would be less than that of the previously granted application for an office development. We do not entirely agree with this assertion, and it is likely that the residential development is likely to generate significantly more vehicular trips than that of the former application albeit traffic at the peak hours is likely to be less. With this in mind, and in general our concerns regarding the close proximity of the right hand turning lane into Northumberland Road, and the adjacent access to an office block, that the proposed access onto Kenilworth Road needs further examination, by means of Stage One Road Safety Audit.

2. With a development of this scale, it is likely that vehicles will be waiting on the access. We therefore consider it reasonable to request a vision splay of 4.5 metres x 70 metres. Plan R31-040-20 does show vertical features situated within the visibility envelope that may prevent this requirement being achieved, hence revisions to the layout may be required."

WDC (Housing Strategy): Provision for affordable housing will be required through a RSL which must achieve affordable rents (or sale prices) in accordance with the Council's 'Guidance for Developers'.

English Heritage: Object on the grounds that the proposal would neither preserve nor enhance the character or appearance of the Leamington Spa Conservation Area on grounds that *'it would disrupt the existing pattern of site coverage and the consequences of that for the way in which built frontages address Kenilworth Road and thus push the transition into rural frontage a plot further north beyond the point defined by Northumberland Road. We would suggest that the building to the north of the application site offers a more relevant point of reference for the street frontage of new buildings on the application site. This is still somewhat further forward than the 1920's building formerly on the application site.'*

Amended Plans

Neighbours: The residents of 56 Kenilworth Road maintain their original objections on the grounds summarised above. The Royal Association of British Dairy Farmers raise a fresh objection on grounds relating to the unsuitable juxtaposition of office and residential premises, obtrusive impact of the adjacent 'coach house' style building on occupants' amenities and express concerns regarding its siting in relation to the accessibility of the RABDF premises and usability of the parking area.

Town Council: The Council maintains its objection to the application as originally submitted. Furthermore, the Council remains of the opinion that Ince House should be restored to its former condition in view of the demolition that has occurred.

WDC (Leisure & Amenities): *"No objection, subject to acceptable detailed landscaping scheme which will need to strengthen planting on (the) frontage."*

WCC (Highway Authority): *"In reaching our decision we haven taken into account the existing use and previously permitted uses of the site (application 2001/0086 for an extension to an existing office development). The Highway Authority has deemed that this proposal will not significantly increase vehicular traffic. Further, traffic at the peak hours is likely to be reduced as a result of this development, thus considered beneficial in terms of highway safety/capacity."*

A departure down in the "x" distance to 2.4 metres has also been permitted, again taking into account the existing uses of the site. However in order to achieve this, amendments to the wall fronting the site would be necessary. Plan 021/Rev B illustrates those amendments that now satisfy Highway Authority recommendations.

The Highway Authority's response to your consultation in regard to the above application which was received by the Council on 24/06/2004, is one of NO OBJECTION subject to (the following) conditions.

WDC (Housing Strategy): *"I am willing to recommend approval of the applicant's affordable housing offer, as follows:*

At least 12 of the total 42 units now proposed are to be affordable (28.5%); these will be 2 bedroom units on site, in the rear block. The balance of the policy requirement (5 units) will be provided through a commuted sum payment (to be agreed) and the entire arrangement will be subject to a s106 agreement.

This arrangement is acceptable only if the rear block can be re-planned to provide 2 bedroom flats, as the layout currently proposed is not acceptable for affordable housing use.

Consideration will also be given to increasing the proportion of the requirement which can be met on site, by increasing the number of units in the rear block (probably to 14).

This would partially offset the anticipated overall increase in the affordable requirement (to 17), and reduce the commuted sum payable to the equivalent of 4 units.

The s106 will of course specify the number and type of units required, and if (as seems likely) this requires minor changes to the footprint of the rear block, an amendment will be submitted. If a revised layout cannot be agreed, I would wish to have the option of refusing the application, as a commuted sum for the entire affordable housing requirement would not be acceptable."

At the time of writing this report no further consultation replies in relation to the amended plans have been received. Any outstanding responses that are received in the meantime will be reported to Members at the meeting.

RELEVANT POLICIES

National Statements of Planning Policy

Planning Policy Guidance Note 1: *General Principles*

Planning Policy Guidance Note 3: *Housing*

Planning Policy Guidance Note 13: *Transport*

Planning Policy Guidance Note 15: *Planning and the Historic Environment*

Warwickshire Structure Plan 1996-2011

Policy GD.1 (overriding purpose)

Policy GD.3 (overall development strategy)

Policy GD.4 (strategic constraints)

Policy GD.5 (development location priorities)

Policy ER.1 (natural and cultural environmental assts)

Policy H.1 (provision of housing land)

Policy H.2 ()

Policy H.3 (greenfield land for housing)

Policy H.4 ()

Policy T.1 (transport objectives)

Policy T.2 ()

Policy T.4 (the impact of development on the transport system)

Policy T.5 (influencing transport choice)

Policy T.10 ()

Warwick District Local Plan 1995

Policy (DW) ENV3 (Development Principles)

Policy (DW) ENV6 (Protection of Conservation Areas)

Policy (DW) ENV8 (New Development within Conservation Areas)

Policy (DW) H5 (Infill development)

Policy (DW) H17 (Affordable Housing)

NB. Planning Committee on 28th January 2002 resolved that policies H22 (on housing density) and T7 (car parking) were not in conformity with the Warwickshire Structure Plan.

Warwick District Local Plan 1996-2011 (First Deposit Version)

Policy DP1 (Layout and Design)

Policy DP2 (Amenity)

Policy DP3 (Natural Environment)

Policy DP5 (Density)

Policy DP6 (Access)
Policy DP8 (Parking)
Policy DAP10 (Protection of Conservation Areas)
Policy UAP1 (Directing New Housing Development).
Policy SCP1 (Securing a Greater Choice of Housing)
Policy SC2 (Protecting Employment Land and Buildings)

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

PLANNING HISTORY

Planning permission for the use of the premises as offices was granted in 1956. A number of extensions were subsequently permitted in the 1970's and 1980's, including a two-storey extension allowed on appeal in 1978 when the premises were occupied by Associated Engineering. The premises were next occupied by the Millward Brown market research company, who relocated to new premises on Tachbrook Park. The applicants purchased the premises and commenced occupation in the late 1990's.

Planning permission was sought for substantial extensions to the existing premises on the east (rear) and south (side) elevations to provide 881 sq. metres of new office floorspace on three floors to provide a total of 2936 sq. m. The application was considered by this 'Committee at the meeting on 10th October 2001 at which Members were minded to grant planning permission, subject to a Section 106 Agreement relating to the provision of a Green Transport Plan. The requirement for this 'Agreement was subsequently rescinded in favour of a suitably worded condition and planning permission was granted on 10th January 2002. Thereafter, planning permission was also granted by this 'Committee at the meeting on 8th January 2003 for the installation of ground and first floor windows and rooflights in the eastern elevation of the approved extension (WDC Ref: W20021651). Work commenced on the implementation of the office permission in 2003. At that time, Ince House was demolished and the site has remained undeveloped.(N.B. Since this represented partial demolition of a building in the Conservation Area, there was no breach of planning control although the permission was rendered incapable of further implementation.

KEY ISSUES

The Site and its Location

The site is located on the east side of Kenilworth Road diagonally opposite the junction with Northumberland Road, adjacent to the northern built-up limits of Leamington Spa. The site is situated within the Leamington Spa Conservation Area and has an area of approximately 0.5 ha. It comprises a range of unlisted buildings, collectively known as Kenilworth House, that were erected as extensions to the original unlisted building, known as Ince House. Ince House was built as a dwelling in 1926 in the 'Queen Anne' style and comprised a substantial brick built property set back from Kenilworth Road behind a large front garden/forecourt area. Ince House was lawfully taken down in December 2003 after significant structural damage had been identified during the process of separating it from Kenilworth House.

To the south of the site, the Kenilworth Road frontage is generally characterised by substantial detached Regency Villas standing within their own grounds, most of which have self-contained out-buildings to the rear which are separately accessed alongside the main house. These include premises occupied by the Royal Association of British Dairy Farmers at the rear of 58 Kenilworth Road that have a right of access across the

site from Kenilworth Road. Although not all these villas are similar, nevertheless they conform to a standard set of design parameters such as height, width, spacing, position and orientation. Most of these properties also remain in residential use, either as single family dwellings or have been converted to flats. Other uses include residential care homes whilst the rear wing of No. 58 has been sub-divided into a separate dwelling, known as 'The Birches'. To the north, No. 62 Kenilworth Road is in office use, whilst to the rear of the site are the substantial rear gardens of houses fronting Cloister Way (which are approx. 50 metres in depth). A residential redevelopment scheme on the site of the former New College stands opposite the site on the western side of Kenilworth Road on the corner of the junction with Northumberland Road, which was granted by this 'Committee on 18th December 2000 under application W20001108. There is also a development of flats on the opposite corner of this junction that dates from the 1970's.

There are existing trees on the site, mainly along the eastern and western boundaries. Additional protection is afforded to a group of trees adjacent to the northern boundary with 62 Kenilworth Road that are covered by a Tree Preservation Order (No. 54).

Details of the Development

The proposals entail the demolition of all existing buildings on the site to enable a residential redevelopment of 42 dwellings. Following protracted negotiations, the siting, size, layout, design and appearance of the original 54 unit scheme has been amended, with a reduction in the number of units to 42 which equates to approximately 80 dwellings per hectare. These would be housed in three detached buildings comprising two identical principal buildings that would stand in alignment towards the front of the site and a smaller two-storey building adjacent to the rear boundary that would extend across virtually the full width of the site.

The principal buildings have been designed to reflect the 'Queen Anne' style of Ince House, whilst the smaller building has a 'Coach House' design. The main body of each principal building would house 6no. 1-bed apartments and a two-storey 1-bed house on three floors, together with a 1-bed apartment, 3 maisonettes and 4no. three-storey dwellings in rear wings extending some 30 metres in depth. The building to the rear would house the remaining 12 no. dwellings that would consist of 1-bed apartments.

In terms of scale, the principal buildings would have broadly the same height as the neighbouring villas along Kenilworth Road with a ridge line lower by 0.5 metres and would be 6 metres wider at 21 metres. In terms of their siting, the principal buildings would be set approximately 24 metres further forward on the site than Ince House stood, at a distance of approximately 18 metres back from Kenilworth Road at their closest point. In this position, the buildings would be set back from the front elevation of 58 Kenilworth Road by 6 metres. The main bodies of these buildings would be set approximately 4.7 metres apart either side of a footpath, whilst the side elevations would be set approximately a metre away from the boundary with 62 Kenilworth Road and 8.2 metres away from the boundary with No.58. Overall, this would provide separation distances of some 34 metres with the main building at 62 Kenilworth Road and 12.4 metres with the side elevation of 58 Kenilworth Road. The rear wings would set further in from these boundaries resulting in separation distances of 19.3 metres with 'The Birches' and 17.4 metres between them.

The existing vehicular access to the site from Kenilworth Road would be retained and modified to serve the development and the adjacent premises of the Royal Association of British Dairy Farmers. From this point, the access road would run parallel to the western and southern boundaries towards the rear of the site. A new pedestrian access would also be formed via a new opening in the front boundary wall. Provision for 59 parking spaces is proposed to serve the dwellings, of which 4 spaces would be

contained within a pergola style car port in the north-western corner of the site. A turning head to accommodate a refuse vehicle would also be incorporated into the road layout. A number of existing trees are also proposed to be felled to accommodate the development, mostly from the eastern boundary and from the Kenilworth Road frontage too where semi-mature replacement tree planting is proposed. Along the eastern boundary the existing wall would be increased in height to 4.5 metres.

Assessment

I consider the principal issues for consideration of the application are:

- the principle of use of the site for residential development;
- the impact of the development on the character and appearance of the Conservation Area;
- the impact on the amenities of neighbouring properties;
- the impact on highway safety and adequacy of parking;
- the impact on trees;
- affordable housing and infrastructure requirements.

The Principle of use of the site for residential development

The site has been in employment use for a number of years, although is not annotated as an employment site in the existing adopted local plan. Policy SC2 of the emerging Local Plan seeks to protect existing employment land and buildings, but in my opinion, only limited weight can be given to this policy at this stage, especially since national planning guidance urges local authorities to be flexible about using employment sites for alternative purposes. Given the location of the site within a Conservation area, whose character is primarily residential in nature in the vicinity of the site, I am of the view that a residential use will reinforce and enhance the character of this part of the Leamington Conservation Area and this factor, combined with the limited weight that can be given to emerging policy, weigh in favour of a residential use.

Impact on character and appearance of the Conservation Area

The site occupies an important position at a "gateway" into Leamington along a principal approach into the Conservation Area. The impact of the scheme on its character and appearance can be assessed in terms of siting, scale and mass, design and architectural character

Siting

The pre-existing pattern of development on this site of a detached property set back behind a landscaped screen formed a semi- rural transition (replicated in the property to the north - The Gables) between the early nineteenth century line of Victorian villas to the south and the open countryside to the north. This pattern is particularly evident on the east side of Kenilworth Road, whilst on the west side, the former New College site to the north of the junction with Northumberland road , is also well screened thereby reinforcing this semi- rural character.

The application as originally submitted showed development up to the line of the established villas to the south, disrupting the historic pattern of site coverage and pushing the transition to a more rural frontage a plot further to the north, such that the character of this part of the conservation area would not have been preserved. The amended plans now put forward show a significant set back for the frontage elements of the scheme, approx 6 metres behind the villa property to the south, which serves to create a landscaped setting for the new buildings. Some of the parking spaces immediately behind the wall have been omitted to increase the space for additional tree planting which will help to recreate a green setting for the development. Whilst English Heritage have requested a greater set back from the line of villas to the south, I am of the view that the current amended plans have made a reasonable response to this issue and can be supported.

Scale and Mass

The proposals as now amended show two substantial villa type properties to the main road frontage, each having an overall width for the main front facade of 16 metres, compared to 14 metres for the existing villa to the south. Each new property has a side wing set back from the frontage approx 5 metres wide, designed to read as a subservient element to the main buildings. Amendments to the design of these wings have helped to reinforce this "subservient" character. Overall, I am satisfied that a satisfactory scale is achieved

Negotiations have also secured changes to the treatment of the rear wings to the frontage buildings to reduce their scale and break up their overall mass by stepping the roof line and securing a lower portion at the eastern end.

Towards the rear of the site, changes to the original plans in respect of the scale and form of the separate rear block now result in a building with an improved coach-house character which will compliment the adjoining coach-house building currently occupied as offices to the south.

Design and Architectural Character

Concerns have been expressed about the overall level of development on the site and whether the scheme amounts to an "overdevelopment". The key test is whether the development preserves or enhances the character and appearance of the conservation area, rather than whether a particular amount or density of development is correct. The amendments to the scheme have reduced the number of units from 54 to 42 on a site of 0.5 hectares, giving a density of around 80 units to the hectare. Members will be aware of government advice which encourages housing development which makes efficient use of land (minimum density of 30-50 units per hectare) with greater intensity of development in locations with good public transport links. No upper limit is prescribed. I am of the view that the design of layout now put forward does achieve an efficient use of the site on a principal public transport route and does this in a manner which preserves the character of this part of the conservation area.

In relation to architectural character, the frontage villas are in the Queen Anne style similar to the now demolished Ince House. Whilst English Heritage (and CAAF) regard the choice of this approach as "questionable" given the loss of the 1920's building, I am of the view that, if the materials are carefully chosen and the buildings are detailed correctly, the appearance of the Conservation Area will not be harmed by this approach.

The impact of the development on neighbours amenities

The principal impacts of the scheme on neighbours relate to the adjoining Kenilworth Road property to the south and the dwellings on Cloister Way to the rear.

In relation to the adjoining property on Kenilworth Road, the amended plans have sought to reduce the number of overlooking windows from the rear wing and show a distance separation of approx. 19.5 metres - 22 metres between the face of the rear wing and the rear portion of 56 Kenilworth Road. This is considered to be reasonable in the context of a Conservation Area development where the Council's approved distance separation standards are not directly applied.

The Cloister Way dwellings to the rear of the site have gardens of approx. 50 metres length and the coach-house style building at the rear of the site is designed as single aspect avoiding any overlooking windows. In addition, the brick boundary wall between the site and the Cloister Way gardens is to be raised in height to reinforce the separation between the two sites. I am satisfied, therefore, that there are no unacceptable effects arising from the development that would justify a refusal of permission.

The impact of the development on highway safety and adequacy of parking.

The initial response of the Highway Authority to the application was a holding objection pending further assessment of traffic generation. They have now confirmed no objection, stating that in reaching their decision they have taken into account the existing use and previously permitted uses for office extensions. Overall, compared to this "fallback" position, the Highway Authority consider the proposed dwellings are unlikely to significantly increase vehicular traffic and may reduce traffic at peak hours.

In relation to parking provision, the current plans show 59 spaces for the 42 units, giving a ratio of 1.4 spaces per unit. Government advice is to seek an average of 1.5 spaces per dwelling, implying that in some locations there may be a need for more parking and in others less. Given the location of the site in a relatively sustainable location along a principal public transport route, I am satisfied that the parking provision is in line with government guidance and is not unreasonable for a site of this nature.

The impact on trees

The Council's Arboricultural Officer has confirmed that the remaining trees at the front of the site are dead or in poor condition and their loss is inevitable. The plans allow for planting of new semi-mature trees along the site frontage to compensate for this loss.

At the rear of the site, there is significant off-site vegetation in the rear gardens of the Cloister Way houses. There is some concern that the closeness of the rear dwellings to the site boundary could lead to pressure from future residents in the rear block to remove some of this vegetation. Given the single aspect design of the proposed rear dwellings, I am satisfied that the scheme is not unacceptable in this respect.

Affordable Housing and Infrastructure contributions

Discussions have taken place with the Council's Housing Development Officer about the necessary affordable housing element and a 40% requirement will be met by allocating the rear block of 12 units together with a commuted sum for the remainder. Some changes are likely to be required to the rear block to meet design standards/space requirements for the affordable housing units although this is considered unlikely to significantly change the footprint or external appearance of the rear block. These

requirements will be pursued in association with the legal agreement for the affordable housing.

The County Council have requested education and library contributions and the sums were £156,563 for education and £5,551 for libraries based on the 54 dwellings shown on the original plans. These sums will need to be revised to reflect the lower number of dwellings now proposed.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT after completion of a Section 106 agreement to cover affordable housing, education and library contributions, subject to the following conditions:

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 021C,022B,023B,024B,025C,051B,052B,053B,054,055,and 101A,and specification contained therein, submitted on 9th and 17th December 2004 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 Local Plan Policy ENV3.
- 3 A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:1991. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 4 The car parking areas hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in accordance with details which have previously been approved by the District Planning Authority. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

- 5 Vehicular access to the site from the public highway Kenilworth Road shall not be made other than at the position identified on the approved drawing number 021/Rev.B. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 The vehicular access to the site shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distances of 70 metres. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 The vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 8 The development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that refuse vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 9 The development hereby permitted shall not be brought into use until the proposed means of access to the site and the internal access roads have been provided and shall not be less than 5.5 metres in width at any point.
REASON : To enable 2 vehicles to pass one another when entering and leaving the highway in the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan.
- 10 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 constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 11 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 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** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
- 12 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority.
REASON : In the interests of fire safety.

- 13 No development shall be carried out on the site which is the subject of this permission, until details of a bat survey in respect of the remaining buildings on the site have been submitted to and approved by the District Planning Authority and any required mitigation measures identified as a result of the survey agreed and implemented. **REASON** :To safeguard any protected species which may be present.
- 14 No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.
REASON : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan.
- 15 No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. The details shall include the final specification and finish of the unfinished wall fronting Kenilworth Road. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 16 No lighting shall be fixed to the external walls or roof(s) of the building(s) hereby permitted or on any open land within the site, without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
- 17 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority.
REASON : In the interests of fire safety.
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