

Planning Committee: 09 January 2018

Item Number: 8

Application No: [W 17 / 1701](#)

Town/Parish Council: Leamington Spa

Registration Date: 18/09/17

Case Officer:

Rob Young

Expiry Date: 18/12/17

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Riverside House, Milverton Hill, Leamington Spa, CV32 5HZ

Outline planning application including access and landscape, with all other matters reserved, for the demolition of Riverside House and the redevelopment of the site to provide new buildings ranging from 2.5 to 6 storeys for up to 170 residential dwellings (use class C3) at Milverton Hill, Leamington-Spa. FOR PSP Warwick LLP

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received, due to the Council being the owner of the site and a joint applicant, and because it is recommended that planning permission is granted subject to the completion of a legal agreement.

This application forms part of the Council's headquarters relocation scheme. Therefore it is linked financially to the planning application for the new offices, car park and apartments at Covent Garden (Ref. W17/1700). That scheme is dependent on cross-subsidy from the proposed residential development on the Riverside House site.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions and subject to the completion of a satisfactory section 106 agreement. Should a satisfactory Section 106 Agreement not have been completed by 18 January 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues that are the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is an outline application for the erection of up to 170 dwellings (Use Class C3). Details of access and landscaping are included in the application, with all other detailed matters reserved.

Indicative plans have been provided which show build zones and heights of buildings that could accommodate 170 dwellings. These indicate buildings ranging between 2.5 and 6 storeys in height. This includes 4 storey development along Milverton Hill, with some 5 storey elements in an attic storey set back from the main facade. As the site slopes down from the Milverton Hill boundary, the indicative height steps up to 5 and 6 storeys. The 6 storey element is restricted to the centre of the site, well away from the boundaries.

The lower areas of the site that fall within Flood Zones 2 and 3 are indicated to be used for car parking. Further parking is shown along the access road and between the buildings on the site frontage.

A new vehicular access is proposed from Milverton Hill, with the two existing accesses to be closed off. The new access will require the removal of two of the copper beach trees in the pavement on Milverton Hill. Three new trees are proposed to be planted nearby within the site boundary to replace these. Further trees are proposed to be removed within the site.

THE SITE AND ITS LOCATION

The application relates to the site of the existing Warwick District Council offices. The site is situated within a predominantly residential area to the west of Leamington Town Centre. The site is bounded by Milverton Hill to the north, with the rear elevations of dwellings in Church Hill and the front elevation of a house in Portland Place West facing the site from the opposite side of that street. To the east the site is bounded by a terrace of Grade II listed buildings in Portland Place West (in residential use) and the Adelaide Road car park and adjacent club premises. The Riverside Walk and associated woodland alongside the River Leam adjoins the site to the south. A further public footpath runs along the western boundary of the site, and on the opposite side of this are the flats in Milverton Court and a house in Wilhelmina Close.

The existing office building is situated in the north-western quadrant of the site, fronting onto Milverton Hill. This ranges between 2 and 4 storeys in height. The remainder of the site is used for car parking. There are two vehicular accesses into the site from Milverton Hill and a further access from the Adelaide Road car park.

The southern part of the site is situated within Flood Zones 2 and 3, which cover between a third and half of the site. A culverted watercourse runs under the existing car park, from Milverton Hill down to the River Leam. There are a large number of trees on the site. The more significant of these are protected by a Tree Preservation Order. In addition there are some significant street trees in front of the site on Milverton Hill.

The south-eastern corner of the site is situated within the Leamington Spa Conservation Area. This takes in a triangular section of the site that measures approximately 20m x 30m x 35m. The conservation area boundary then runs along the northern, eastern and southern boundaries of the site, such that much of the rest of the site immediately abuts the conservation area.

Victoria Park is situated to the south of the site, on the opposite side of the River Leam. This forms part of a Grade II Registered Park and Garden (Spa Gardens). The boundary of the Registered Park and Garden runs along the northern bank of the river, which is approximately 25m to the south of the site.

PLANNING HISTORY

There have been a number of previous planning applications relating to the application site, mostly for minor developments associated with the offices. However, none of these are relevant to the consideration of the current proposals for residential development.

RELEVANT POLICIES

- National Planning Policy Framework
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029)

- Open Space (Supplementary Planning Document - June 2009)
- Affordable Housing (Supplementary Planning Document - January 2008)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Distance Separation (Supplementary Planning Guidance)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Town Council: Object on the following grounds:

- the development does not make any provision for affordable housing, contrary to Local Plan Policy H2;
- the integration of affordable homes into this development would encourage inclusive and mixed communities as recommended in Policy H2;
- any new residential development should be no higher than the existing Riverside House building where it would front onto Milverton Hill; and
- lack of green amenity space for future residents on the site.

Public response: 63 objections have been received, raising the following concerns:

- the number of units is excessive and far more than is allocated for the site in the Local Plan;
- overdevelopment;
- excessive height;
- the building is too close to Milverton Hill;
- the buildings would be overdominant when viewed from Milverton Hill;
- the proposed buildings would dwarf the existing Riverside House building and surrounding buildings;
- the proposals do not respect the scale and proportions of surrounding buildings (4 storeys would be squeezed into the height of 3 for neighbouring buildings);
- the high density of development is not appropriate for this low density area;
- harm to the character and appearance of the area;
- harm to the setting of the adjacent conservation area;
- an outline application is not appropriate for a site surrounded by the conservation area;
- harm to the setting of adjacent listed buildings;
- the buildings should be set further away from the adjacent listed buildings;
- concerns about access for carrying out maintenance to the adjacent listed building;
- harm to the setting of the adjacent Registered Park;
- loss of trees, in particular the two substantial copper beech trees on Milverton Hill and three TPO trees within the site;
- alternative layouts that would allow for the retention of the trees have not been fully explored;
- a TPO should be made to protect the trees;
- a number of trees covered by an existing TPO have already been removed from the site;
- the tree retention and protection proposals are unrealistic;
- the building zones overlap the root protection areas;

- inaccuracies in the plans relating to the trees;
- concerns that future occupants of the development may seek to remove further trees to increase natural light;
- increased traffic congestion;
- the trip generation assumptions in the Transport Assessment are flawed;
- detrimental to highway safety;
- detrimental to pedestrian safety;
- the use of Milverton Hill by emergency vehicles will be hindered;
- no provision for improvements to cycling and walking routes;
- inadequate car parking;
- increased parking congestion on surrounding streets;
- the parking area is in the flood plain and so will be unavailable during times of flood, exacerbating parking issues on surrounding streets;
- no commitment to achieve good environmental standards for the buildings;
- harm to air quality;
- increased light pollution;
- additional street lighting would impact on residents;
- noise, dust and traffic during construction;
- noise and disturbance from the completed development;
- local services are already oversubscribed;
- loss of public recycling facilities;
- loss of employment land;
- inadequate health and education infrastructure for future residents;
- substandard separation distances;
- overbearing impact on existing residents;
- loss of outlook for adjacent dwellings;
- loss of light for adjacent dwellings;
- loss of privacy for adjacent dwellings;
- the lower part of the site is subject to flooding;
- lack of any affordable housing, contrary to the requirements of the Local Plan;
- the public consultation has been inadequate;
- alternative options for dealing with the existing Riverside House building and the Council's need to downsize their office accommodation have not been adequately explored;
- the public benefits of the relocation scheme are questionable;
- the assumptions regarding economic benefits cited in the socio-economic impact report are flawed;
- it is a concern that staff, who will theoretically benefit from the relocation, are also intimately involved with these plans;
- question the motives of Councillors and Officers in wanting to provide themselves with luxurious new offices and free reserved parking in the town centre;
- the proposals will not benefit Council Tax payers;
- the project is likely to fail and therefore the public benefits will not be realised;
- the Council are under undue pressure to grant permission for their own application;
- the economic argument for linking this scheme with the Covent Garden proposals is flawed;
- the public benefits do not outweigh the harm caused; and
- information provided by the applicant has been inaccurate and misleading.

Cllr Knight: Objects on the following grounds:

- complete lack of affordable housing;
- 170 dwellings is far too many;
- the bulk and height would harm the adjacent conservation area;
- inadequate parking; and
- felling of mature trees must be avoided.

Cllr Naimo: Objects on the following grounds:

- complete lack of affordable housing;
- lack of infrastructure and s106/CIL contributions;
- insufficient meaningful consultation prior to submission; and
- the number of dwellings far exceeds the local plan allocation - there has been no detailed narrative to justify this increase.

Requests that the viability information is made available in the public domain, or at least to all District Councillors. It is in the public interest to show transparency for this project and one way of doing that is to show the workings on the viability of the scheme, both in relation to affordable housing and S106 contributions.

Cllr Quinney: Objects on the following grounds:

- complete lack of affordable housing;
- lack of consideration of alternative options for the new HQ;
- private developer benefiting from a viability test associated with a Council project;
- overdevelopment;
- increase in numbers over local plan allocation;
- adverse access and congestion issues for existing and new residents;
- massing effect on neighbouring residents;
- a comprehensive impact assessment is required for development that exceeds the planned density of dwellings; and
- conflict of interest in the Council determining its own planning application.

Matt Western MP: Objects on the following grounds:

- at a time when significant cuts have been made to Council budgets, it is surprising that the District Council is proposing to build new purpose-built offices;
- lack of affordable housing, setting an undesirable precedent for other developers;
- these proposals ignore the likely restructuring of local Councils;
- other options need exploring, such as assets owned by the County Council, or Leamington Town Hall;
- conflict of interest in the Council determining its own planning application;
- lack of transparency regarding the financing of the deal;
- imprudent use of public money;
- investing this amount of money at a time of public sector cuts is not appropriate; and
- inadequate consultation.

Conservation Advisory Forum: The residential use is welcomed, but concerns were raised that the application is in outline only, when detailed schemes are required within conservation areas and the site is surrounded by the Royal Leamington Spa Conservation Area.

Detailed approval for landscaping is sought but it's not clear why the whole area within the proposed urban block fronting Milverton Hill has no landscaping shown. The setting of the river and riverside walk should also be part of the landscaping scheme.

Concerns were raised about how visible the development will be, especially the 6 storey building, from the registered park on the other side of the river.

Environment Agency: No objection, subject to conditions.

Historic England: The application is for outline consent for 170 residential units. The site massing diagram in the application gives an idea as to how this number of units might look in terms of the overall massing on the site, allowing for the large part of the site on which it is not possible to build due to flooding.

We have no issue with the principle of residential development on the site and the demolition of the existing office block will be welcome. The massing diagram provides some evidence that the topography of the site should be able to accommodate the specified number of units. The four-storey block set back from the street edge is in broad terms similar to the adjoining listed terrace. As for the six storey block towards the back of the site it sits down in the landscape due to the topography and thus avoids dominating views from the park. The mature landscaping in the valley bottom will in addition provide some screening. The final impact of the scheme will depend very strongly on the quality of design at the detailed stage of the planning.

Warwickshire Police: No objection. Make detailed comments regarding security at construction sites. Also request a contribution of £33,041 towards police services.

Warwickshire Wildlife Trust: Request clarification on which trees are deemed to have low potential for roosting bats. Also request that opportunities are taken to secure biodiversity enhancements.

South Warwickshire Clinical Commissioning Group: Request a contribution of £171,360 towards primary healthcare.

South Warwickshire NHS Foundation Trust: Request a contribution of £176,794.09 towards acute and community healthcare.

WCC Fire & Rescue: No objection, subject to a condition to require details of water supplies and fire hydrants.

WCC Ecology: No objection, subject to conditions, although raise concerns about the loss of the copper beech trees.

WCC Archaeology: No comment.

WCC Infrastructure: Request contributions of £12,750 towards sustainable travel packs, £3,721 towards libraries, £216,000 towards bus stop improvements and £1,393,353 towards education.

WCC Flood Risk Management: No objection, subject to a condition to require drainage details.

WCC Landscape: No objection, following the receipt of amended plans.

WCC Public Health: Recommend that consideration is given to their Public Health Evidence for Planners and Developers guidance document throughout the design stages of this development.

WCC Highways: No objection, subject to conditions and section 106 requirements.

WCC Forestry: Neither object nor support, but request that certain matters are taken into account in relation to the protection of the retained highway trees and the replacement of the highway trees that are to be removed.

WDC Tree Officer: No objection. Accepts the overall conclusions and protection measures specified in the arboricultural report submitted by the applicant. Makes some detailed recommendations in relation to certain technical aspects of the report.

WDC Green Space: Request a contribution of £44,768 towards the provision or enhancement of public open space.

WDC Waste Management: No objection.

WDC Cultural Services: Request a contribution of £151,512 towards indoor sports facilities and £10,955 towards outdoor sports facilities.

WDC Environmental Health: No objection, subject to conditions.

WDC Housing Strategy: Set out the Council's standard requirements in relation to affordable housing. However, note that a viability assessment has been submitted which may negate the ability to deliver affordable housing.

ASSESSMENT

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

- the principle of development;
- public benefits;
- whether it is appropriate to permit more dwellings than the Local Plan allocation;
- the impact on the living conditions of nearby dwellings;
- provision of a satisfactory living environment for future occupants;
- the impact on the character and appearance of the conservation area and the setting of nearby listed buildings;
- car parking and highway safety;
- landscaping and impact on trees;
- drainage and flood risk;
- ecological impact;
- mix of market housing;
- provision for affordable housing;

- section 106 contributions; and
- health and wellbeing.

Principle of development

The site comprises employment land which would ordinarily be protected for employment use under Local Plan Policy EC3. However, this particular employment site has been allocated for housing by Local Plan Policy DS11. This is reflected in para. 3.33 of the explanatory text to Policy EC3, which notes that certain employment sites have been reallocated to residential use. Therefore a residential development is considered to be acceptable in principle on this site.

Public benefits

A number of objectors have questioned whether the scheme would generate the benefits that have been suggested by the applicant. However, it is clear that the relocation scheme as a whole would generate a number of significant public benefits. This includes the provision of a new multi-storey car park to replace an existing car park with major structural defects. In addition there would be significant public benefits associated with the new Council offices, including cost savings for the Council, which would ultimately benefit local people through avoiding the need to cut services. Furthermore, the offices and apartments would generate footfall and spending in the town centre, including relocating 300+ Council employees into the town centre. The offices will also provide a better working environment for Council staff, Councillors and visiting members of the public.

The proposals will provide a substantial amount of housing, both on the Riverside House site (170 units) and the Covent Garden site (44 units). Then there are all of the usual economic benefits associated with a major construction project (construction jobs, contracts for local companies etc.).

Altogether, the public benefits of the scheme are considerable. In the planning balance that must be struck in the assessment of this application, these benefits weigh heavily in favour of granting permission.

Whether it is appropriate to permit more dwellings than the Local Plan allocation

This is an allocated housing site in the Local Plan. Objectors have raised concerns about the number of dwellings exceeding the allocation. The Local Plan indicates 100 dwellings, whereas the application is for 170. However, the numbers provided in the Local Plan for allocated sites are not maximums. Any planning application must be considered on its merits and can only be refused permission if the number of dwellings proposed results in a harmful impact that would justify a refusal.

Where an applicant proposes more dwellings than the allocation, it is expected that they will submit supporting information with the application to demonstrate that this increase in numbers would not cause harmful effects that would justify a refusal of planning permission. In this case it is considered that the applicant has submitted sufficient information to justify the increase in numbers. This includes the following supporting reports that have relevance to an assessment of the impact of increased numbers: Air Quality Assessment, Arboricultural

Impact Assessment, Design & Access Statement, Ecological Assessment, Flood Risk Assessment, Heritage Statement, Townscape & Visual Appraisal, Transport Assessment, Utility Survey and Viability Appraisal.

The impact of the numbers proposed is considered in detail against the various headings that follow in this report. With the exception of the impact on a small number of trees, the increase in dwellings does not give rise to any harmful effects that would weigh against the proposals in the planning balance. The impact on trees is considered in more detail in the relevant section below.

Impact on the living conditions of nearby dwellings

The indicative plans suggest that the separation distances to some nearby dwellings may be less than the minimums specified in the Council's Distance Separation Guidelines. The separation distance from the closest dwellings on the opposite side of Milverton Hill and Portland Place West is indicated as 20m, which is less than the 32m set out in the Guidelines. However, the Guidelines state that, within conservation areas, where the overriding need is to preserve or enhance the character or appearance of the area, the provisions of the guidance will not be directly applied. This exemption is applicable to the situation on Milverton Hill / Portland Place West, because setting the development back to comply with the Guidelines would be contrary to the historic pattern of development in the area (i.e. the adjacent buildings on the southern side of Portland Place West being positioned at the back of the pavement). Furthermore, in the circumstances it is considered appropriate to have a reduced separation distance across a public street which already causes some reduction in privacy.

The separation distance to the windows in the side elevation of Milverton Court to the west of the site would also be 20m. Whilst there is no minimum distance set out in the Guidelines for a side-to-side relationship, it is considered appropriate to impose some restrictions on windows in this part of the development so as to preserve adequate privacy. This would be a matter to be considered at reserved matters stage. For the purposes of considering this outline application, it is evident that there is sufficient scope for this to be addressed in a detailed design by mitigation measures such as obscure glazing or angled windows.

With regard to the adjacent dwellings in Portland Place West, the indicative proposals show that the 45-Degree Guideline and the Distance Separation Guidelines can be complied with in relation to the windows in the front and rear elevations of those properties. Adequate separation can also be provided from the hallway windows in the side of those properties.

For the above reasons, having regard to the indicative height of the proposed buildings and the separation distances shown, it has been concluded that 170 dwellings can be accommodated on the site without causing unacceptable loss of light, loss of outlook or loss of privacy for neighbouring dwellings.

There has been no objection from Environmental Health and therefore, subject to appropriate conditions, it has been concluded that the proposals will not give rise to any other harmful effects on nearby dwellings, including noise or lighting issues.

Having regard to all of the above factors, it has been concluded that the proposals will have an acceptable impact on the living conditions of nearby dwellings.

Provision of a satisfactory living environment for future occupants

The indicative plans show that 170 dwellings can be accommodated on the site whilst maintaining adequate separation between facing windows within the development. The plans also show that suitable amenity space can be provided. Environmental Health have advised that, subject to an appropriate mitigation scheme which can be required by condition, the proposed dwellings will not suffer undue noise. Therefore it has been concluded that the proposals will provide a satisfactory living environment for future occupants.

Impact on the character and appearance of the conservation area and the setting of nearby listed buildings

A rear corner of the site is situated within the Leamington Spa Conservation Area. Perhaps more importantly, much of the remainder of the site adjoins the boundary of the conservation area and therefore any development on the site has the potential to impact on the setting of the conservation area. There are other significant heritage assets close to the site, including the Grade II listed terrace to the east and the Grade II Registered Park and Garden (Spa Gardens) to the south. Development on the application site also has the potential to impact on the setting of these heritage assets.

In heritage terms, the significance of this part of conservation area derives principally from the historic street pattern and the Regency and Victorian buildings that front onto surrounding streets. The significance of the adjacent listed buildings derives principally from them being good examples of Regency architecture. The significance of the Spa Gardens relates to it forming a linked series of gardens and parks running through the centre of the conservation area which were laid out as part of the historic development of the town. The part opposite the application site (Victoria Park) was created in the late 19th Century and its significance is contributed to by the open spaces and trees within and adjacent to the park, and the riverside setting.

The starting point for an assessment of the heritage impact of the proposals is the current state of the site. The current development on the site is not in keeping with the character and appearance of the conservation area or the layout and design of adjacent listed buildings. Negative factors in this regard include the incongruous design of the existing building, with the form and design details being more appropriate for a modern business park than an area of Regency / Victorian development. Another negative factor is the siting of the existing building, which being set back from the street frontage and with a large open car park to the side is at odds with the traditional pattern of buildings close to the back of the pavement without any significant breaks in the built up frontage. A further negative factor is the non-traditional brown brick that was used for the construction of the building and also the substantial wall that runs the length of the Milverton Hill frontage. This is at odds with the traditional red brick and render that is evident on surrounding historic buildings.

In contrast, the indicative plans show a more traditional pattern of development with buildings situated close to the pavement with no significant breaks in the

built up frontage. This better reflects the positioning of the adjacent listed buildings in Portland Place West.

The scale and massing of the development indicated along the Milverton Hill frontage reflects that of the adjacent listed buildings in Portland Place West. Where the height of the proposed development steps up, this is on parts of the site that are well away from the listed buildings or the boundaries of the conservation area. Furthermore, the height steps up as the ground level falls away towards the river and this will limit the prominence of the higher parts of the development when viewed from Milverton Hill and the adjacent listed buildings.

Historically the site was developed as a series of detached villas, a pattern of development that is still evident to the west of the site along the southern side of Warwick New Road. Notably those surviving villas have all had more intensive development infilling their grounds in modern times. Most of these sites are within the conservation area. In this context, the more intensive development now proposed for the application site would not appear out of place.

Much will depend on the detailed design and layout of the scheme, which will not be known until reserved matters stage. In this regard it is notable that Historic England are happy that any issues can be resolved at that stage. The judgement that must be made at this outline stage is whether, in principle, the site can accommodate 170 dwellings in some form that would not harm the conservation area.

Drawing all of the above considerations together, in a context where the existing development on the site detracts from the setting of the conservation area, the conclusion is that the site can accommodate a development of 170 dwellings in a manner that would have at least a neutral impact on the setting of the conservation area.

Similar considerations apply to the assessment of the impact on the setting of the listed buildings. These are town houses that form part of the more intensive phase in the historical development of the town. If this pattern of development had continued at the time it would have been in the form of a similarly intensive terrace of town houses, either close to or adjoining the side elevation of the end property. The indicative plans show that this could be reflected on the application site with town houses of a similar scale alongside that boundary. The indicative plans also show that the taller parts of the development can be sited far enough away from the listed buildings to ensure that they would not adversely affect the setting. All things considered, it has been concluded that the site can accommodate a development of 170 dwellings in a form that would not harm the setting of the adjacent listed buildings.

In terms of views from Victoria Park, these are filtered by the extensive tree cover between the site and the river. Whilst the buildings would be visible from the Park, this would be at some distance and mitigated by the trees, and as such it is not considered that the proposals would have a harmful impact on the setting of the Spa Gardens Registered Park and Garden.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty to ensure that new development preserves or enhances the character and appearance of conservation areas. Meanwhile, for development

affecting the setting of a listed building, Section 66 imposes a statutory duty to have special regard to the desirability of preserving the setting. For the reasons stated above, in the context of the negative impact of the development that exists on the site at present, it has been concluded that the proposals would preserve the character and appearance of the conservation area and the setting of the listed buildings. The proposals would also preserve the setting of the Spa Gardens Registered Park and Garden. For these reasons the proposals would accord with the NPPF and Local Plan Policies HE1 and HE2.

Car parking and highway safety

The Highway Authority initially raised concerns about the supporting information that was submitted in relation to the new access. The applicant has submitted further information in response and the Highway Authority have confirmed that this has addressed their concerns. As a result, having undertaken a full assessment of the highway impact of the proposals, the Highway Authority raise no objection to the application.

The Highway Authority advise that the proposals will lead to a net reduction in trips to and from the site when compared with the existing use as offices. As a result, they advise that the development will have a negligible impact on the operation of the highway network. The Highway Authority also confirm that the new access is acceptable and will be provided with adequate visibility splays.

Objectors have requested improvements to cycling and walking routes. However, there has been no request for anything in this regard from the Highway Authority. They note that the site is located in a highly accessible area close to Leamington Town Centre and in close walking distance to high quality bus services and Leamington Railway Station. As the site already benefits from a good degree of accessibility by cycling and walking, it is not considered necessary to require any further improvements as a condition of this scheme.

With regard to parking, a total of 187 spaces are indicated on the plans, which comprises the parking areas within the flood plain on the southern part of the site and spaces along the proposed access road. The applicant also advises that a further 60 space could be provided in an area of below deck parking within the space between the main buildings shown on the indicative plan. This would amount to a total of 247 spaces, which would be more than enough to comply with the Council's Parking Standards (for example 230 spaces would be required for a mix of 50 x 1 bedroom and 120 x 2 bedroom dwellings). Whilst a proportion of these spaces would be unavailable at times when the site is flooded, this would be an infrequent occurrence (this has happened twice in the 17 years that the Council have occupied the site).

For the above reasons it has been concluded that the proposals would have an acceptable impact on car parking and highway safety.

Landscaping and impact on trees

The applicant considers it necessary to relocate the vehicular access to the location shown because this is on the line of a culverted watercourse and relocated sewer that could not otherwise be built upon. Given the presence of other major constraints preventing development on other parts of the site (flood plain, TPO trees etc.), the applicant considers that not making use of the land

above the culverted watercourse would render the scheme unviable (the applicant's viability appraisal already indicates that the scheme is marginal on viability). The provision of the access in this location is the only way of making use of this part of the site without further reducing the areas that can be built upon.

A consequence of locating the access in this position is that two of the large copper beech trees in the pavement on Milverton Hill will have to be removed. This is a significant cause for concern in the consultation responses that have been received. These trees are situated within the conservation area and make a positive contribution to the character and appearance of the area. However, there are health issues with the trees which will limit their longevity.

In the present financial climate it is perhaps unlikely that the County Council would have the resources to plant replacements when these trees reach the end of their life. Indeed, historical information suggests that there was originally a line of 7 trees along the southern side of Milverton Hill, but this has already been reduced to 5 due to replacements not being planted. Furthermore the applicant has proposed mitigation measures including the planting of 3 trees within the site, close to the position of the trees that are to be removed, together with a contribution of £30,000 towards the planting of replacement street trees in the locality. Nevertheless there would still be an overall negative impact due to the loss of these trees, but this would have to be weighed against the public benefits of the overall relocation scheme.

The public benefits of the scheme have been outlined in a preceding section of this report. Altogether, the public benefits are considerable. In the planning balance these benefits weigh heavily in favour of granting permission. As a result it has been judged that the combined public benefits of the Riverside House and Covent Garden schemes outweigh the harm that would be caused by the removal of these two trees.

Turning to the loss of other trees within the site, these are less significant than the copper beech trees. All of the more important trees within the site are proposed to be retained, and these are already covered by a Tree Preservation Order. When viewed from surrounding roads and footpaths, the retained and proposed planting within the site will ensure that the site retains a heavily landscaped character.

The amendments to the landscaping proposals have addressed issues that were raised by WCC Landscape. Full details of landscaping within the site, between the buildings, will be considered as part of a future reserved matters submission.

The existing Tree Preservation Order is now quite dated and includes some inaccuracies and so it is proposed that a new Order is made to correct these inaccuracies and to include the remaining copper beech trees on Milverton Hill and the replacement trees to be planted within the site.

Discussions are ongoing with the applicant about the details of the Arboricultural Impact Assessment and tree protection measures. This relates to the impact of the development on trees to be retained within the site and on the copper beech trees that are to be retained on Milverton Hill. An update on this issue will be provided in the addendum report to Committee.

Drainage and flood risk

The lower parts of the site are situated within Flood Zones 2 and 3. However, the proposed buildings can be accommodated on land that is outside of this area. The Environment Agency have accepted that the area at risk of flooding can be used to provide car parking for the dwellings, as is the case with the current office parking. This would be subject to a Management Plan to ensure that the cars are removed at times of flood.

In terms of drainage, there has been no objection from WCC Flood Risk Management, subject to a condition to require drainage details.

Ecological impact

Bat surveys have recorded roosts of common pipistrelle and brown long-eared bats within the existing Riverside House building. The bat survey report includes details of mitigation measures, including the installation of bat boxes on trees within the site and on the new buildings. The County Ecologist has accepted the proposed mitigation measures. Subject to the implementation of these measures it has been concluded that the proposals would have an acceptable impact on bats.

The site is situated adjacent to the River Leam, which is a potential Local Wildlife Site and Ecosite. The County Ecologist has considered the impact of the proposals on other notable and protected species and the impact on biodiversity, including the relationship with adjacent designated ecological sites. They have recommended conditions to require the submission of a Construction and Environmental Management Plan and an Ecological and Landscaping Scheme. Subject to the mitigation measures that will be secured by these conditions, it has been concluded that the proposals would have an acceptable ecological impact. Whilst the County Ecologist would prefer that the copper beech trees are retained, it is considered that the ecological impact of the loss of these trees can be mitigated by replacement planting and ecological enhancement measures within the site.

Additional information has been submitted to address the request from Warwickshire Wildlife Trust for the identification of the trees that have low potential for roosting bats. Furthermore, the condition requiring an Ecological and Landscaping Scheme will address their comments about securing biodiversity enhancements.

Mix of market housing

Local Plan Policy H4 requires proposals to include a mix of market housing that contributes towards a balance of house types and sizes across the district, including the housing needs of different age groups, in accordance with the latest Strategic Housing Market Assessment (SHMA). As this is an outline planning application, the mix of housing is not known at present. However, if any reserved matters application were to include the maximum number of units proposed (170), it is clear that this would have to comprise predominantly 1 and 2 bedroom flats. This would not meet the requirements of the SHMA. However, Policy H4 accepts that these requirements may not be suitable on all sites and lists a range of circumstances where it might not be appropriate to provide the full range of housing types and sizes.

The proposals are considered to meet criterion (c). This refers to sites with severe development constraints where housing mix may impact on viability. There are a number of severe development constraints affecting the application site, including large parts of the site falling within Flood Zones 2 and 3 as well as a culverted watercourse and sewer running through the site. There are also a large number of trees on the site, including a number covered by a Tree Preservation Order. Some of these protected trees are very large and sterilise large parts of the site. In addition, on the issue of viability, it has been demonstrated that a development of this density is necessary to cross-subsidise the new Council offices at Covent Garden.

For these reasons it has been judged that the proposals provide an appropriate mix of market housing in light of the constraints affecting this site. Therefore the proposals do not conflict with Local Plan Policy H4.

Provision for housing for the elderly and disabled has also been considered. However, the same issues considered in the assessment of the general mix of market housing above also apply to the provision of these more specialist forms of housing. Therefore it is not considered appropriate to impose any specific requirements in this regard in relation to the current planning application.

Provision for affordable housing

The applicant has submitted a viability appraisal to demonstrate that the provision of any affordable housing on the site would render the scheme unviable. This assumes that the Riverside House development is linked to the scheme for new Council offices and a new multi-storey car park on the Covent Garden site (application no. W17/1700). The development on the Riverside House site would cross-subsidise the new offices and car park, which would otherwise be unviable.

The applicant's viability appraisal has been independently verified by the local planning authority's surveyors, Jones Lang Lasalle. They have undertaken a robust assessment of the applicant's appraisal and have confirmed that they are in agreement that the provision of any affordable housing on the Riverside House site would render the relocation scheme unviable.

Objectors have raised concerns about the setting of an undesirable precedent that will make it harder for the Council to require developers to provide affordable housing on other sites. However, the circumstances in this case are unique and will not be replicated on any other scheme. As a result there is no danger of a precedent being set. In any case, each planning application must be determined on its own merits; decisions on planning applications do not work on the basis of precedent.

The applicant has advised that their viability appraisal is commercially sensitive and therefore must not be made publicly available. As a result a copy of this information will be forwarded to Members of the Planning Committee in confidence. Similarly the Jones Lang Lasalle report is also commercially sensitive and therefore will be dealt with in the same manner (i.e. disclosed only to Members of the Planning Committee).

It has been suggested that this information should be disseminated more widely, at least to all Members of the District Council, as it relates to a Council project. However, this would be treating the current application differently to all other applications where viability information is provided. Legal advice has been sought on this matter and this confirms that the involvement of the Council in the proposals does not mean that this information is not commercially sensitive. In any case, the proposal is a joint venture with a private sector partner and is not solely a public sector / non-commercial project.

If Members of the District Council wish to seek the release of this information on the basis that this is a Council project, then this should be pursued with the District Council as a corporate body outside of the planning system. It is important that the local planning authority approaches this manner in the same way that it does all planning applications.

Section 106 contributions

Members will be aware that CIL came into effect on 18 December and the scheme will be liable for this. There have also been separate requests for section 106 contributions from various consultees, as detailed in the Summary of Representations section of this report. However, the viability appraisal that the applicant has submitted demonstrates that there is no surplus in the scheme to pay for CIL or S106 contributions, other than the site specific matters relating to sustainable travel packs (£3,000) and replacement street trees (£30,000).

There will also be a clause in the section 106 agreement to tie the development on the Riverside House site to the provision of the car park and Council offices on the Covent Garden site. This is necessary because the development on the Riverside House site would be able to provide affordable housing, but for the fact that it is cross-subsidising the Covent Garden development.

It is considered that the above section 106 provisions meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, i.e. they are considered necessary to make the development acceptable in planning terms, they are directly related to the development, and they are fairly and reasonably related to the development in scale and kind. Furthermore the pooling restrictions in Regulation 123 are not breached.

Health and wellbeing

The proposals do not raise any specific issues relating to health and wellbeing.

Other matters

Objectors have raised concerns about the loss of public recycling facilities from the application site. However, the applicant advises that there is a surplus of this type of recycling site in the locality. Furthermore, this site is only open office hours and this limits its usefulness as a domestic recycling facility. It is also of note that there has been no objection from the Council's Waste Management team, who have responsibility for domestic recycling.

A condition is recommended to require the submission of a Construction Management Plan. This will address concerns that residents have raised regarding noise and dust during construction.

A condition is recommended to require the submission and implementation of a low emissions strategy. This will provide adequate mitigation for the impact of the proposals on air quality.

A condition is recommended to require a contamination assessment, in accordance with the comments of Environmental Health. This will provide adequate control over any potential contamination issues.

Objectors have raised concerns about access for maintenance to the side elevation of the adjacent listed building. However, the indicative plans show that space can be retained for maintenance access alongside that boundary.

SUMMARY / CONCLUSION

The redevelopment of this site for residential purposes is in accordance with the allocation of the site for housing by Local Plan Policy DS11 and is therefore acceptable in principle. The proposals form part of the Council's office relocation scheme which would generate substantial public benefits.

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and would provide a satisfactory living environment for future occupants. Furthermore, the proposals would have an acceptable impact on the setting of the adjacent conservation area, listed buildings and registered park. The proposals are also considered to be acceptable in terms of car parking, highway safety, drainage / flood risk and ecological impact.

The loss of the two copper beech trees would be a harmful impact of the development, but this would be mitigated to some extent by the replacement tree planting and the contribution towards street tree planting. Any residual harm in this regard would be outweighed by the substantial public benefits of the relocation scheme. In terms of trees within the site, the impact of the proposals is considered to be acceptable.

A likely mix of housing comprising predominantly 1 and 2 bedroom flats is considered appropriate given the significant constraints affecting this site. With regard to affordable housing, evidence has been submitted to demonstrate that this would render the scheme unviable. Finally, the proposed section 106 contributions will satisfactorily mitigate the impact on local services.

Therefore it is recommended that planning permission is granted.

CONDITIONS

- 1 Details of the appearance of the building(s), layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 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 BE3, TR1, TR3 & NE5 of the Warwick District Local Plan 2011-2029.
- 5 The development hereby permitted shall not commence until a scheme of noise insulation to protect residents of the development from excessive road traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road traffic noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 6 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

REASON : To ensure the protection of controlled waters and to prevent pollution in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029.

- 7 No development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **REASON:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy FW2 of the Warwick District Local Plan 2011-2029.
- 8 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.
- 9 No construction will be undertaken until a Communications Strategy has been submitted to and approved in writing by the local planning authority. The Communications Strategy shall set out how access will be retained for surrounding occupiers during construction works and shall include the points of contact and key phases of the development. The Communications Strategy shall thereafter be implemented in strict accordance with the details approved under this condition. **REASON:** In the interests of highway safety and the amenities of surrounding occupiers, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 10 No dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out and made available for use by the occupants and / or visitors to the dwelling in accordance with details that shall have been submitted to and

approved in writing by the local planning authority. Thereafter those spaces shall be retained for parking purposes at all times. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR4 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document 'Bat Surveys and Bat Mitigation Strategy' prepared by Middlemarch Environmental, received by the local planning authority on 3rd October 2017. **REASON:** To ensure that protected species are not harmed by the development, in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 12 No development shall commence until a detailed lighting scheme for the site has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
 - (b) the brightness of lights should be as low as legally possible;
 - (c) lighting should be timed to provide some dark periods; and
 - (d) connections to areas important for foraging should contain unlit stretches.

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029.

- 13 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands, woodland creation/enhancement and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON :** To ensure adequate compensation

for any loss of biodiversity, in accordance with the National Planning Policy Framework.

- 14 The development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 15 The development hereby permitted shall not be occupied until a flood risk management scheme for the car park has been submitted to and approved in writing by the local planning authority. The scheme shall include, but not be inclusive of, the following elements:

- i) the site operator signing up to the Environment Agency's flood warning system;
- ii) a strategy to notify each household as efficiently and quickly as possible;
- iii) actions in place to prevent car owners collecting their cars once the car park begins to flood; and
- iv) flood warning notices to be erected with numbers, positions and wording to be agreed. The notices shall be kept legible and clear of obstruction.

The mitigation measures shall be fully implemented in strict accordance with the approved details prior to occupation and shall remain in place at all times thereafter.

REASON : To ensure that residents have adequate notice to retrieve their vehicles prior to the car park flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 16 None of the dwellings hereby permitted shall be occupied unless and until:

(a) details of boundary treatment along the southern boundary sufficient to prevent cars floating off site (and allowing the free flow of floodwater) have been submitted to and agreed in writing by the local planning authority; and

(b) the boundary treatment approved under (a) has been installed in strict accordance with the approved details.

REASON : To prevent cars floating off site into the River Leam and causing blockages, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029.

- 17 Notwithstanding the submitted details, no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously submitted to and approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) to be retained on the site, or those tree(s) whose root structure may extend within the site. In particular 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 retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained 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 be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and 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:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029.
- 18 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, fences 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 dwellings 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 protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 19 The trees marked T2 and T3 on drawing no. 1714-PL0-07 shall not be removed until the 3 replacement trees shown on this drawing have been planted. Any tree(s) which within a period of five years of planting

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. The trees shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** In order to secure compensation for the loss of these trees, in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.

- 20 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 BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 21 The development hereby permitted shall not be occupied unless and until the means of access to the site has been laid out, constructed and implemented in full accordance with drawing no. 38237-5501-120. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 22 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council’s adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.
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