

Planning Committee: 09 January 2018

Item Number: 7

Application No: [W 17 / 1700](#)

Town/Parish Council: Leamington Spa

Registration Date: 18/09/17

Case Officer: Rob Young

Expiry Date: 18/12/17

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**Covent Garden Multi-Storey Car Park, Russell Street, Leamington Spa
CV32 5HZ**

Full planning application including means of access, appearance, landscaping, layout and scale, for the demolition of Covent Garden Multi-Storey car park and pedestrian footbridge, and the erection of mixed use buildings comprising new 2,685m² (GIA) offices (use class B1) over four floors including plant room; a new multi-storey car park over four floors, comprising 617 car park spaces and 3 external spaces, 20 motor cycle spaces and 30 cycle spaces; and 44 residential units (use class C3) with 44 cycle spaces for the apartments. 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.

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

The application proposes the following development:

- demolition of the existing multi-storey car park and pedestrian footbridge over Tavistock Street;
- erection of 2,685 sq m of offices;
- erection of a replacement multi-storey car park providing 617 internal car parking spaces, 3 external spaces, 30 motor cycle spaces and 30 cycle spaces; and
- erection of 44 apartments, including 44 cycle parking spaces.

The car park, offices and apartments would comprise a single building that would range from four to five storeys in height. The fifth storey would have a limited footprint over part of the apartments and offices and would be set back from the facades of the building. There would be an open courtyard area between the

apartments and the offices. The proposals would require the removal of a number of trees.

THE SITE AND ITS LOCATION

The application relates to the site of the Covent Garden car park. This comprises a multi-storey car park on the eastern half of the site with a surface car park on the western half. The site is situated within a predominantly commercial part of Leamington Town Centre, although there are residential properties on the upper floors and to the rear of adjacent commercial premises on Clarendon Avenue, Tavistock Street, Parade and Warwick Street. There is also a residential care home under construction on the opposite side of Russell Street. The commercial premises surrounding the site include shops as well as bars and nightclubs.

The site is bounded by Tavistock Street to the east and by Russell Street to the west. To the south the site is bounded by a cul-de-sac that provides access to the rear of the buildings on Warwick Street. To the north the site is bounded by a cul-de-sac that provides access to the rear of the buildings on Clarendon Avenue.

The site is situated within the Leamington Spa Conservation Area. A number of the properties surrounding the site are listed buildings.

There are a number of trees within the site, mainly along the Russell Street frontage, although there are also some alongside the northern and southern boundaries of the site.

The multi-storey car park comprises 473 parking bays, 36 parent and child bays and two electric vehicle charging bays. The surface car park comprises 73 parking bays, 8 disabled bays and 1 motorcycle bay. This amounts to a total of 592 parking spaces. Vehicular access to the car park is from Russell Street, via separate "in" and "out" accesses.

The existing multi-storey car park has major structural defects. As a result, part of the car park is closed off, with 124 of the spaces out of use.

PLANNING HISTORY

In 2006 planning permission was granted for "Extension to existing multi storey car park" (Ref. W06/1145).

There have been other previous applications relating to the application site, but none of these are relevant to the consideration of the current proposals.

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)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- TCP1 - Protecting and Enhancing the Town Centres (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)
- 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 grounds that 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.

Public response: 14 objections have been received, raising the following concerns:

- noise from the nearby nightclubs at Moo and Smack could adversely affect future occupants of the proposed apartments;
- full details of the acoustic specification of the materials used in the construction of the apartments should be provided prior to determination of the application, to ensure that noise from the nightclubs can be satisfactorily mitigated;
- noise and dust during construction;
- harm to the character and appearance of the conservation area;
- the design is not in keeping with the Regency style of the area;
- there is no provision for affordable housing, contrary to the requirements of the Local Plan;
- the development will not create a mixed and inclusive community given the absence of any affordable housing;
- the viability information should be made public;
- inadequate car parking;
- loss of public car parking within the town centre;
- loss of parking for town centre employees;
- limited staff parking provision will put additional pressure on other town centre car parks;
- no alternative provision for car parking during the construction phase - this will have a detrimental effect on local businesses;
- concerns about road closures and other disruption to businesses during the demolition and construction phase;
- the plans should include significant improvements to cycling and walking routes;
- insufficient provision for electric vehicle charging points;
- loss of public recycling facilities;
- the proposed layout of the car park will change the flow of people such that businesses in Warwick Street will lose out - trading at this end of Warwick Street is already challenging;
- the Council does not need a brand new HQ as there is plenty of spare office space at the Town Hall, Shire Hall and office blocks in Holly Walk;
- 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 Council are under undue pressure to grant permission for their own application - the decision should be made by an independent third party;
- the public benefits of the relocation scheme are questionable;
- the assumptions regarding economic benefits cited in the socio-economic impact report are flawed;
- the economic argument for linking this scheme with the Riverside House proposals is flawed; and
- the public benefits do not outweigh the harm caused.

One comment in support has been received, although this also raises concerns about disruption and impact on businesses during construction.

Cllr Knight: Objects on the grounds that there is no provision for affordable housing.

Cllr Naimo: Objects on the following grounds:

- complete lack of affordable housing;
- the application documents make no consideration for displacement parking during construction works;
- a detailed car parking displacement plan should be agreed up front, rather than secured as a condition afterwards;
- inadequate parking in the completed development - no account has been taken of the 200+ Council employees and 44 residents that will reduce the number of spaces available, nor future growth;
- huge disruption to businesses and residents during construction works;
- sustainable transport provision is inadequate - no provision for cycle or walking routes and no mention of buses;
- inadequate provision for environmentally sustainable design;
- loss of the footbridge access to the Parade has not be properly considered; and
- lack of infrastructure and s106/CIL contributions.

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;
- conflict of interest in the Council determining its own planning application;
- inadequate parking for the offices;
- loss of parking during the construction phase and subsequent harm to the vitality and viability of the town centre; and
- inadequate parking in completed scheme, with the offices and apartments taking up many spaces.

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;
- inadequate car parking;
- car parking in the town centre is already full to capacity;
- car parking spaces will be taken up by the offices, impacting on the viability of town centre businesses;
- loss of parking during the construction phase;
- refers to the concerns of the Chamber of Trade and BID Leamington;
- 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 proposed mix of uses is welcomed and will help to create life and activity within this part of the Royal Leamington Spa Conservation Area.

The design of building, which includes the council offices, could better reflect the Regency grandeur of the Royal Leamington Spa Conservation Area, and the proposed use of buff bricks, and terracotta fins, is not supported as these materials are alien to the appearance of the surrounding Conservation Area.

Concerns are raised about the future use of Leamington Town Hall, and appropriate uses, such as a public library with community spaces, or a use by Warwick University, should be brought forward to ensure it doesn't fall into disrepair.

Leamington Chamber of Trade: Object. Whilst we are very keen to support quality developments in the town centre, we have serious misgivings about the parking displacement plan. The proposed displacement arrangements put the economic viability of the town and its businesses in some jeopardy.

The provision of parking spaces in the town centre is already close to saturation point during peak hours. For a town of our size, the number of spaces is below average.

The current displacement proposals are only a series of suggestions, rather than a robust plan with appropriate funding. If implemented as is, it could negatively impact any inward investment opportunities and visitors' accessibility to the town centre.

During the period of demolition and rebuilding (estimated at 2 years) the displacement strategy fails to provide both adequate numbers of spaces or suitably proximate parking locations for town centre users. At a time when town centres face competition from many quarters, taking approximately 30% of the off-street parking away is a serious risk for the commercial viability of the town centre retail and service businesses.

BID Leamington: Object on the following grounds:

- harm to the vitality and viability of Leamington Town Centre;
- loss of car parking during construction;
- inadequate car parking following completion due to spaces being taken up by the apartments and offices;
- town centre parking is already full to capacity at times;
- demand for town centre parking is forecast to rise;
- further levels should be added above the Chandos Street car park to provide replacement spaces while Covent Garden is redeveloped and to then meet future demand;
- loss of the pedestrian link to Upper Parade - a location that is already experiencing evidence of stress for retail trading;
- inadequate consultation; and
- a B1 permission will not allow the premises to be used as Council offices, because this is a sui generis use.

Historic England: Despite the large scale of the proposed building it fits reasonably well within the context of the town centre which contains tall Regency terraces, although some of the immediate setting is lower rise development. In broad terms the design is straightforward and has 'clean' modern lines, although it could be further refined. However, there is also a danger of too much eclecticism, the term used to describe the design approach in the Design and Access Statement which has led to the slightly incoherent result.

The selection of high quality materials will be crucial. The general choice in the centre of Leamington Spa is, of course, stuccoed facades with brickwork mostly confined to the rear elevations.

Environment Agency: No objection.

Warwickshire Police: No objection.

South Warwickshire Clinical Commissioning Group: Request a contribution of £44,352 towards primary healthcare.

South Warwickshire NHS Foundation Trust: Request a contribution of £45,758.47 towards acute and community healthcare.

WCC Archaeology: No comment.

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

WCC Landscape: Object. The absence of any meaningful landscaping is disappointing. Have opportunities for living walls and green roofs been fully explored? The "landscaped entrance" depicted in the Design and Access Statement is unimaginative and minimalist. Without detailed landscape proposals, to include species, size of plants, establishment methods, maintenance etc., I am unable to comment fully on this application.

WCC Ecology: No objection, subject to conditions.

WCC Public Health: No objection.

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

WCC Infrastructure: Request contributions of £3,000 towards sustainable travel packs, £547 towards libraries and £188,827 towards education.

WDC Tree Officer: Raises queries about the tree protection details.

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

WDC Waste Management: Advise that the residential and office bin stores should be increased in size.

WDC Cultural Services: Request a contribution of £39,409 towards indoor sports facilities and £2,849 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;
- the impact on the living conditions of nearby dwellings;
- provision of a satisfactory living environment for future occupants of the apartments;
- the impact on the character and appearance of the conservation area and the setting of nearby listed buildings;
- the impact on highway safety;
- car parking (completed scheme);
- car parking (during construction);
- impact on the vitality and viability of the town centre;
- landscaping and impact on trees;
- drainage and flood risk;
- ecological impact;
- provision for refuse and recycling storage;
- mix of market housing;
- provision for affordable housing;
- section 106 contributions;
- health and wellbeing; and
- public benefits.

Principle of development

Each of the 3 elements of the scheme will be dealt with in turn in this section of the report. Dealing first with the offices, Local Plan Policy EC1 states that new office development will be permitted within the town centres of the District.

Therefore the office element of the proposals is in accordance with this policy. Turning to the residential element of the scheme, the site comprises previously developed land within the urban area and consequently this is an appropriate location for new residential development, in accordance with Local Plan Policy H1. Finally the proposed car park will replace an existing car park. Public parking is an appropriate use for a town centre site and supports the vitality and viability of the town centre.

For these reasons it has been concluded that the proposed uses would be acceptable in principle on this site.

Impact on the living conditions of nearby dwellings

The separation distances to some nearby residential properties would be less than the minimums specified in the Council's Distance Separation 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 is relevant in the current case because setting the development back into the site to comply with the Guidelines would create a form of development that is alien to the conservation area. Traditional development in the locality abuts the back of the pavement. Furthermore, the site is situated within the commercial core of the town centre, where suburban separation distances are not expected.

Nevertheless, the impact on the nearby dwellings with regard to loss of light, outlook and privacy remains a material consideration. The following paragraphs therefore go on to consider this in detail.

Dealing first with the issue of light and outlook, the closest relationship is with the residential accommodation at Nos. 1-5 Russell Street, which is close to the northern boundary of the site. The separation distance there would be 6.5m. There are windows in the south elevation of that property that face the application site. However, the proposed building is set back from Russell Street, such that the part of the site immediately in front of those windows will remain undeveloped. Therefore it is considered that the proposals will not unduly restrict the outlook or light available to those windows.

The next closest relationship is with the residential accommodation at No. 39a Warwick Street and on the upper floor of Jephson's Bar. However, the proposed building would be no closer to those properties than the existing multi-storey car park. Therefore the impact in terms of light and outlook would be similar to the existing situation.

In terms of other nearby residential properties, the separation distances are similar to the minimum distances across public streets in the conservation area. As a result, it is considered that the proposals would retain adequate outlook and light for these residential properties, for a town centre location.

Turning to the issue of privacy, the proposals will introduce residential and office windows where there are currently none. Furthermore, the new multi-storey car park will introduce upper parking levels onto part of the site that is currently a surface car park, with a resulting potential for new views down into surrounding properties. Nevertheless, these views would be across public streets in a busy commercial locality. Therefore it is not considered that the proposals would result

in an unacceptable loss of privacy for any of the surrounding residential properties.

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 residential properties, including noise or lighting issues.

For the above reasons it has been concluded that the proposals will have an acceptable impact on the living conditions of nearby residential properties.

Provision of a satisfactory living environment for future occupants of the apartments

The operator of two local bar / nightclubs (Moo on Russell Street and Smack on Tavistock Street) has raised concerns about noise from their premises potentially affecting occupants of the proposed flats. This is addressed in a noise assessment that was submitted with the application. The noise assessment identifies a need for mitigation to be provided to protect the proposed dwellings from late night entertainment noise as well as from road traffic noise. This will include uprated building materials in the form of high performance acoustic double glazing as well as mechanical ventilation so that windows do not need to be opened. Full details can be required by condition. It is also noted that the external amenity area for the flats will be shielded from road noise by the proposed building. There has been no objection from Environmental Health on this basis. Therefore it is considered that an appropriate noise environment will be provided for future occupants of the flats.

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

This is a sensitive site in heritage terms, due to its size and prominence on two streets within the conservation area (Russell Street and Tavistock Street) and also due to its close proximity to a number of listed buildings. The nearby listed buildings on Russell Street, Clarendon Avenue and Warwick Street are Grade II. The nearby listed buildings on Parade that back on to Tavistock Street at Grade II*, as are some of the buildings fronting onto Tavistock Street that are listed by virtue of being within the curtilage of those Parade buildings.

In heritage terms, the significance of this part of conservation area derives principally from the historic Regency street pattern and the Regency and early Victorian buildings that front onto surrounding streets. The significance of the nearby listed buildings derives principally from them being good examples of Regency and early Victorian architecture.

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 detracts from the character and appearance of the conservation area and the setting of nearby listed buildings. Negative factors in this regard include the incongruous design of the existing multi-storey car park and associated pedestrian bridge over Tavistock Street, which are two of the most significant visual detractors in the conservation area at present. Another is the fact that the whole of the Russell Street frontage of the site is a surface car park, which is at odds with the traditional pattern of development in the area which comprises of buildings

addressing the street, positioned either at the back of the pavement or close to the back of the pavement.

In contrast, the proposals follow a traditional pattern of development with buildings fronting on to the surrounding streets. In urban design terms this is a significant improvement on the existing surface car park.

The scale of the proposed building is not dissimilar to that of the existing car park, with a parapet height of between 12m and 13.5m compared to a parapet height of between 11.5m and 13.5m for the existing car park. The plant room of the proposed offices and the top floor of the apartments extend above this, up to a maximum height of between 15m and 17.8m. However, these parts of the building are set back behind the parapet and so will not be readily visible from street level. In addition, the stair cores of the proposed car park would extend above the parapet level, up to a maximum height of 15m, together with a lower transparent safety barrier around the remainder of the parapet. However, this is comparable to the height of the stair cores and safety barriers of the existing car park. The scale of the proposed building is also comparable to that of other buildings in the locality and therefore is considered to be appropriate.

In terms of detailed design, the Conservation Advisory Forum consider that this could better reflect the Regency grandeur of the conservation area. However, with this traditionally having been a mews area behind the more significant adjoining streets, having a design with more grandeur would not necessarily be appropriate. The proposals are in a contemporary style but with a vertical emphasis that reflects the Regency character of the locality. This is considered to be an appropriate design solution for this site and this successfully integrates the offices, apartments and multi-storey car park into a single building with a unified design. Furthermore it is important to note that the design that has been proposed represents a significant improvement on the design of the existing multi-storey car park.

The Conservation Advisory Forum also raise concerns about the proposed materials. However, whilst an indication of materials has been provided, this is a level of detail that is not normally dealt with at the application stage. A condition can be imposed to require details of materials to be submitted for approval before construction works commence. This would also address the comments of Historic England. In discharging this condition the Council will have the opportunity to secure suitable materials that are in keeping with surrounding traditional development and appropriate for the design of the proposed building.

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 of the building. 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 enhance the character and appearance of the conservation area and the setting of nearby listed buildings. For these reasons the proposals would also accord with the NPPF and Local Plan Policies HE1 and HE2.

Impact on highway safety

The Highway Authority initially raised concerns about elements of the Transport Assessment that was submitted with the application. 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 acknowledge that the provision of Council offices within the town centre provides the opportunity for staff to travel by sustainable modes of transport. They go on to note that a Travel Plan can be conditioned to actively promote sustainable transport use by employees of the office element of the scheme. They also confirm that traffic modelling demonstrates that the impact of the proposals in terms of additional delays and queuing cannot be considered to be detrimental.

The Highway Authority are satisfied that sufficient information has been submitted to demonstrate that the car park will be managed to ensure that sufficient short term parking will be retained for visitors to the town centre. A condition is recommended to require the submission and approval of a Parking Management Strategy to secure full details prior to the opening of the car park.

Spaces are proposed to be reserved within the new car park for occupants of the residential part of the scheme. The Highway Authority recommend that a condition is imposed to secure this.

Finally, the Highway Authority advise that the proposed vehicular accesses to the development are acceptable.

In conclusion on this issue, the Highway Authority advise that the impact on the operation of the highway and transport networks will be minimal and therefore cannot be considered as severe under para. 32 of the NPPF.

Objectors have requested improvements to cycling and walking routes. However, there has been no request for anything in this regard from the Highway Authority. The site already benefits from a good degree of accessibility by cycling, walking and public transport and therefore it is not considered necessary to require any improvements as a condition of this scheme.

Car parking (completed scheme)

Objectors have raised concerns about the adequacy of the proposed parking provision, particularly when considering the fact that some of the proposed spaces will be taken up by the residential and office elements of the scheme. This concern is shared by Leamington Chamber of Trade and BID Leamington.

The completed development would provide a total of 620 car parking spaces (617 internal and 3 external). This would be more than is provided by the existing surface and multi-storey car park (592 in total, including the levels that are currently closed). The proposed public car park would also include 20 motorcycle spaces and 30 cycle spaces, a significant enhancement on the current provision (1 motorcycle bay and no formal cycle provision). In addition, a

separate provision of 44 covered cycle parking spaces is included for the proposed apartments.

Of the 620 spaces, 56 are to be reserved for occupants of the proposed flats and 57 for the offices. This would meet the requirements of the Council's Parking Standards for each of these uses.

This leaves 458 spaces for public use during the week and 515 spaces at the weekend (when the offices are closed). This is comparable to the 469 spaces that are currently available. Bearing in mind the fact that the Highway Authority have concluded that appropriate parking will be provided for the apartments and offices whilst also leaving sufficient residual spaces for short term parking for the town centre, it has been concluded that the completed scheme will provide adequate parking. In reaching this conclusion, it is also noted that demand very rarely outstripped supply when the existing car park was operating at full capacity.

Car parking (during construction)

Objectors have raised significant concerns about the loss of parking during the period between the closure and demolition of the existing car park and the completion and opening of the replacement car park. The concern is that there will be insufficient public car parking available during this period and that this will adversely affect the vitality and viability of the town centre. This concern is shared by Leamington Chamber of Trade and BID Leamington. It has been suggested that the applicant should be required to implement a car parking displacement strategy to replace the lost spaces for the duration of the construction works.

This raises a legal issue as to whether it would be lawful to impose such a requirement as a planning condition or section 106 obligation. Legal advice on this matter has been sought and the advice can be summarised as follows.

Local authorities may exercise discretion to use their land for car parking. They may also prepare strategies for the management of public car parking facilities. The provision and management of public car parking undoubtedly operates in the public interest. However it is a separate and distinct function from a local authority's exercise of planning powers.

In this case, the redevelopment of Covent Garden will generate a need for car parking. Local Plan Policy T3 allows the local planning authority to require the development to incorporate sufficient car parking spaces to meet that need. The scheme does so. Therefore a condition could lawfully be imposed to secure the provision of those car parking spaces. That would serve a proper planning purpose, relate fairly and reasonably to the development and satisfy the general test of reasonableness (i.e. the 3 key legal tests for planning conditions).

However, a condition requiring the implementation of a car parking displacement strategy would not be imposed for a proper planning purpose. Nor would it relate fairly and reasonably to the development that is proposed. It would not address any planning consideration that arises from the development itself. Instead its imposition would reflect an ulterior motive, viz. to secure the continuity and effective operation of the Council's car parking service whilst redevelopment takes place and to defray the cost of such provision. That is undoubtedly ultra

vires under section 70(1) of the Town and Country Planning Act 1990 and would thus be unlawful.

The condition would also be unreasonable in five respects. First, it is difficult to reconcile the requirement to produce a car parking strategy with the fact one has already been procured by the District Council. Second, the requirement to implement the strategy requires the applicant to take on and discharge an activity which has been assumed by the Council. Third, it would be extremely onerous to require the applicant to implement the strategy. There is no certainty they could secure control over the land that would be required to make good the identified shortfall. Even if it could, it would be wholly unreasonable to transfer the very substantial cost of implementing the scheme onto the applicant. Fourth, there is no need for the applicant to formulate a strategy; the Council have produced one. Fifth and finally, the requirement to make up for the temporary loss of public car parking overlooks a relevant consideration, namely the potential of private sector providers to make up the shortfall. That serves to reinforce the impression the condition is intended to advance the interests of the Council's parking service or to bolster the Council's financial position rather than address a planning issue that arises from the development itself.

My conclusion that a condition would be unlawful does not mean the temporary loss of car parking during redevelopment is not a material consideration. The temporary effect of redevelopment on car parking in the town centre is certainly relevant to planning. However, it obviously does not follow that merely because a matter is a material consideration that may give rise to adverse land use consequences it may be controlled by a condition, let alone one that is formulated without due regard to the law and the Secretary of State's policy. Thus one is still confronted by the difficulty that a condition which bears superficially on concerns about a temporary loss of car parking would in reality be imposed as part of a wider strategy for managing the public sector car parking service in Leamington town centre and bolstering the Council's budget. The condition is not necessary (the scheme would be acceptable without the imposition of the condition because the Council will take steps to manage any shortfall in parking spaces during periods of peak demand). Thus the condition would be unlawful and contrary to policy.

Similar advice is provided in relation to the question of whether it would be lawful to require the applicant to enter into a section 106 agreement to secure a car parking displacement strategy. The advice is that this would not be necessary to make the development acceptable, it would not be directly related to the development and it would not be fairly and reasonably related in scale and kind to the development. Therefore such a requirement would not pass the tests of CIL regulation 122 and as a result would not be lawful.

The legal advice does confirm, however, that an applicant may enter into a section 106 agreement even where it is unnecessary to make the development acceptable in planning terms. However, it should be borne in mind that such an obligation that does not comply with CIL regulation 122 may not be treated as a material consideration when the application is determined.

The above legal advice is clear; it would be unlawful to require the applicant to implement a car parking displacement strategy by a condition or planning obligation (section 106 agreement). As such, it is not possible to secure the alternative parking provision that objectors seek through this planning

application. This is more appropriately a matter for the Council as a corporate body (i.e. not as local planning authority) to address through its discretionary function of providing public car parking. In this regard the applicant has offered to include clauses in a section 106 agreement to secure the submission and implementation of a car parking displacement strategy. This will go some way to addressing the concerns of objectors, but the legal advice is clear that this part of the section 106 agreement should not be taken into account as a material consideration in the assessment of the application.

Insofar as the issue of the short term loss of public parking is a material consideration in the assessment of this application, there will be some short term negative impacts in this regard. However, this is inevitable with a scheme to redevelop one of the main car parks in the town. Furthermore, these negative impacts will arise whenever the car park is redeveloped, whether it be as part of the current scheme to provide new Council offices or as part of a scheme solely for the replacement of the car park. Given the structural defects that have been identified this is going to happen at some point in the not too distant future regardless of what decision is made on the current planning application. Indeed, part of the car park has already had to be closed off due to these defects, with no replacement spaces provided. Without the current scheme it may be that the car park would reach the end of its life without any proposals in place for its replacement, in which case the short term loss of spaces would extend over a longer period.

In terms of what is likely to happen during the construction of the car park, it is reasonable to expect that the Council as operator of the majority of the car parking within the town centre will seek to implement measures to reduce the impact if necessary. Furthermore it might also be expected that private landowners would make sites available for parking if there was evidence of excess demand.

Taking these factors into account, whilst there would be some short term negative impacts due to the loss of public parking, it is not considered that these would be of any significance in the overall planning balance, and certainly not significant enough to outweigh the benefits of the scheme. In this regard, it is also important to note that, once completed, the proposed development will significantly enhance the vitality and viability of the town centre, as detailed in the following section of this report.

Impact on the vitality and viability of the town centre

Concerns have been raised about the proposed layout of the car park affecting the flow of pedestrians in a manner that would be detrimental to the peripheral parts of Warwick Street and Parade. However, the main pedestrian entrance to the proposed car park is to the rear of the shops in Warwick Street, in a similar position to the entrance of the existing car park. There would be a further pedestrian entrance onto Russell Street. As a result, the proposals are unlikely to significantly change pedestrian flows in relation to Warwick Street.

The removal of the bridge link to Parade would be a more significant change in this regard. However, it would be undesirable on design grounds to seek to retain or replicate this. The alternative route along Tavistock Street and Warwick Street would bring pedestrians out at a point 86m further south on Parade, closer to the centre of the retail area. Therefore, when also taking account of the

design benefits of removing the bridge, it is not considered that there are planning grounds for insisting on the bridge link being retained or replicated.

Overall, the impact of the development on the vitality and viability of the town centre would be majorly beneficial. This would include the provision of a new multi-storey car park to replace an existing car park with major structural defects. Furthermore, the offices and apartments would generate footfall and spending in the town centre.

Landscaping and impact on trees

A total of 21 trees are proposed to be removed to make way for the proposed development. Of these, 12 are category B, 5 are category C and 5 are category U. However, these are mostly the less important trees adjacent to the northern and southern edges of the site together with some thinning out of the trees along the western frontage to Russell Street. Most of the more significant trees along Russell Street are proposed to be retained.

In a context where the trees along the Russell Street frontage make the most marked contribution to the character of the area, it is not considered that the remainder of the trees make any significant contribution. Therefore, whilst there would be some limited harm arising from their removal, this would be far outweighed by the benefits of the scheme as cited elsewhere in this report.

The Council's tree officer has raised some issues with the tree protection proposals that have been submitted. However, a condition can be imposed to require the submission of a revised Arboricultural Method Statement to address these issues prior to works commencing. This will ensure that the retained trees are adequately protected.

WCC Landscape have raised issues with the landscaping indicated on the proposed plans. However, the detailed landscape design is normally dealt with by conditions and this is considered appropriate in this case.

Drainage and flood risk

The applicant has submitted further drainage information to address issues that had been raised by WCC Flood Risk Management. Following the receipt of this further information, WCC Flood Risk Management have confirmed that they have no objection to the application. Therefore the proposals are considered to be acceptable in terms of drainage and flood risk.

Ecological impact

There is no evidence of protected species using the application site and there has been no objection from the County Ecologist. Therefore it has been concluded that any ecological impact can be satisfactorily mitigated by conditions.

Provision for refuse and recycling storage

The residential bin store has been increased in size in accordance with the recommendations of WDC Waste Management. This is accessible from the access road to the south of the site and therefore the proposals make adequate

provision for the storage and collection of refuse and recycling for the residential element of the scheme.

WDC Waste Management also recommended that the office bin store be increased in size to match the current provision at Riverside House. However, the proposed offices are significantly smaller than Riverside House (2,685 sq m compared with 6,427 sq m) and therefore it is considered appropriate for there to be a commensurate reduction in the amount of space provided for refuse and recycling storage. Furthermore, the size of the bin store for commercial premises is more of a matter for the developer and prospective occupier than for the local planning authority because the Council does not have any responsibility for collecting commercial waste. The occupier would be liable to pay for more frequent private refuse and recycling collections if the bin store is smaller.

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). The proposed development does not meet this requirement because it comprises 1 and 2 bedroom apartments, with no 3 or 4 bedroom units. 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 (b) of Policy H4. This refers to locational issues, such as highly accessible sites within or close to the town centre where larger homes and low / medium densities may not be appropriate. The application site falls squarely within the scope of this criterion, being situated within the commercial core of the town centre.

For this reason it has been judged that the proposals provide an appropriate mix of market housing for this location and do not conflict with Local Plan Policy H4.

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 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 Covent Garden site would render the scheme unviable. Indeed, even without the costs of providing affordable housing, the development on the Covent Garden site is reliant on cross-subsidy from the development on the Riverside House site (application no. W17/1701) to make it viable.

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 would 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 matter relating to sustainable travel packs (£3,000).

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

The section 106 agreement will also include a non-Regulation 122 compliant clause to secure the submission, approval and implementation of a car parking displacement strategy. As advised previously, this clause must not be treated as a material consideration in the assessment of the application.

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 scheme 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 the 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.

Turning to the issue of design, the proposals would represent a significant enhancement in the appearance of a large site within the conservation area, replacing a structure which is one of the most significant visual detractors in the conservation area at present. The proposals also provide a substantial amount of housing, both on the Covent Garden site (44 units) and by freeing up the Riverside House site for residential development (up to 170 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.

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, 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.

An objector has queried the provision for electric vehicle charging points. However, this is an issue that would be covered by a low emissions strategy. A condition is recommended to require the submission and implementation of such a strategy. This will provide adequate mitigation for the impact of the proposals on air quality.

A condition is recommended to require the offices to meet a BREEAM standard "very good". This will ensure that the proposals meet the requirements of Local Plan Policy CC3.

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.

SUMMARY / CONCLUSION

The proposed offices and residential development would be in accordance with Local Plan Policies EC1 and H1 respectively. The proposed car park will replace

an existing car park and will support the vitality and viability of the town centre. Therefore the 3 elements of the scheme are considered to be acceptable in principle. The relocation of the Council's offices and the provision of a replacement car park and a significant number of dwellings 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 character and appearance of the conservation area and the setting of nearby listed buildings. The proposals are also considered to be acceptable in terms of car parking, highway safety, drainage / flood risk and ecological impacts.

The impact on trees is considered to be acceptable and details of suitable landscaping can be secured by condition. Furthermore, the proposals make adequate provision for the storage and collection of refuse and recycling and the mix of market housing is considered to be appropriate for this town centre location. 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 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s), and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 Samples of all external facing materials to be used for the construction of the development hereby permitted shall be submitted to and approved by the District Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 4 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), fins, parapets, guard rails / screens and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** For the avoidance of doubt, and to ensure a high standard of

design and appearance within the conservation area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.

- 5 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.
- 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 The development hereby permitted shall not commence until a scheme of noise insulation to protect residents of the development from excessive entertainment 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 and entertainment noise from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 8 The development hereby permitted shall not commence until details of a mechanical ventilation with heat recovery (MVHR) system for all rooms within all residential dwellings has been submitted to and approved in writing by the local planning authority. The MVHR system must:
- i) be capable of providing air changes at volumes equivalent to an open window for the purposes of rapid cooling and ventilation;
 - ii) not compromise the façade insulation or the resulting internal noise level; and
 - iii) operate at a level to comply with noise rating curve NR25 or lower.
- The scheme shall be implemented in accordance with the approved details and shall be retained thereafter.
- REASON:** To protect residents of the development from the adverse effects of traffic and entertainment noise from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 9 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. 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, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.
- 10 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.

11 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bird nesting boxes to be erected on trees/buildings within the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of nesting box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **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 The development hereby permitted shall either:

a) be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds; or

b) not commence until a qualified ecologist has been appointed by the applicant to inspect the trees to be cleared on site for evidence of nesting birds immediately prior to works.

If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

REASON : To prevent possible disturbance to nesting birds, in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

13 The offices hereby permitted shall not be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the offices will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. The offices shall not be occupied unless and until a completion stage assessment by an accredited BREEAM assessor demonstrating that the offices achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. **REASON:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029.

14 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.

- 15 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.
- 16 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.
- 17 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall 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.

- 18 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.
- 19 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. 38900-5501-103 Rev A. **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.
- 20 The car park hereby permitted shall not be used unless and until a Parking Management Strategy has been submitted to and approved in writing by the local planning authority. The Parking Management Strategy shall thereafter be implemented in strict accordance with the details approved under this condition. Within 12 months of the first use of the car park the Parking Management Strategy shall be revised and submitted to and approved in writing by the local planning authority. The revised Parking Management Strategy shall thereafter be implemented in strict accordance with the details approved under this condition. **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.
- 21 Prior to occupation of the offices hereby permitted a Workplace Travel Plan shall be submitted to and approved in writing by the local planning authority. The Workplace Travel Plan shall thereafter be implemented in strict accordance with the details approved under this condition and shall be revised annually thereafter. **REASON**: In the interest of encouraging the use of alternative modes of transport with the aim of

creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029.

- 22 None of the apartments hereby permitted shall be occupied unless and until the bin and cycle stores have been constructed in strict accordance with the approved plans. The bin and cycle stores shall be retained at all times thereafter. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.
- 23 All rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
- 24 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.
