Planning Committee: 22 June 2021 **Item Number: 6**

Application No: W 20 / 1887

Registration Date: 16/11/20
Town/Parish Council: Leamington Spa **Expiry Date:** 15/02/21
Case Officer: Dan Charles
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3 Wise Terrace, Leamington Spa, CV31 3AS

Demolition of two houses of multiple occupancy and construction of a five storey purpose built student accommodation consisting of 17 apartments totalling 54 bed spaces and associated external works. FOR GB Investments and Cancilla Construction Ltd

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This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

RECOMMENDATION

Planning Committee is recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations as set out in the report.

Planning Committee are also recommended to delegate authority to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test together with alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within 4 months from the date of Committee and there is no ongoing progress towards the satisfactory completion of the Section 106 Agreement, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

The proposal is for the demolition of two existing small HMO buildings and the erection of a single purpose-built HMO containing 54 bed spaces and set up within 17 clusters, each containing its own communal space for future occupiers.

The proposed building is a contemporary five storey building, predominantly of brick construction over the first four floors. The fifth floor is proposed to be a lightweight, fully glazed structure, set back from the perimeter walls of the site.

The fenestration proposed is to be full height glazing with feature timber panels to give the appearance of a Canalside warehouse structure.

The site backs onto the canal and it is proposed to provide a formal frontage that actively addresses the canal with an area of landscaped communal gardens adjacent to the canal tow path.

THE SITE AND ITS LOCATION

No.3 Wise Terrace is an existing HMO property located in a small cul-de-sac off Wise Street which gives access to the site from High Street which is a busy main thoroughfare with links to Warwick and the M40 to the West.

The surrounding area is predominantly a mixture of differing styles ranging from red brick facades and tiled roofs to rendered frontages and red brick facade to the side and rear with tiled roofs replicating the famous Regency Architecture.

To the North of the proposed site lies Cleary's Boxing Gym and alleyway for access to rear gardens for residential houses located on Tachbrook Road. A range of commercial premises are located along Wise Street to the North East, with various bus links around the local area including frequent routes to the University of Warwick, located on the High Street.

To the East of the site lies an existing modern block of student accommodation known as 4a Wise Terrace. This building is an 'L' shaped 5 storey block red brick block with mansard roof. The building contains 21 student bedrooms.

To the South of the site lies the Grand Union Canal that lies within Warwick District Canal Conservation Area. On the opposite side of the Canal are 3 storey residential apartments. Built in the late 1990's the fabric of these apartment blocks consists of red brick gable facades with white uPVC windows and tiled roofs.

To the west of the site is a vacant site that previously operated as a scrap metal merchant. Planning permission was granted on appeal for a 200-bedroom Purpose Built Student Accommodation block. This permission is extant. The block is proposed to be 5 storeys with an inset fifth floor under a flat roof. Proposed materials are a combination of brick and cladding.

PLANNING HISTORY

W/20/0677: Demolition of two houses of multiply occupancy and construction of five storey purpose-built student accommodation comprising 17no. apartments totalling 54 bed spaces together with all associated external works – **WITHDRAWN 12.11.2020.**

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS1 - Supporting Prosperity

- DS3 - Supporting Sustainable Communities
- DS5 - Presumption in Favour of Sustainable Development
- H0 - Housing
- H6 - Houses in Multiple Occupation and Student Accommodation
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- HS1 - Healthy, Safe and Inclusive Communities
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS6 - Creating Healthy Communities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- HE1 - Protection of Statutory Heritage Assets
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE5 - Protection of Natural Resources
- DM1 - Infrastructure Contributions

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS2 - Housing Design
- RLS3 - Conservation Area
- RLS5 - Royal Leamington Spa Housing Mix and Tenure
- RLS12 - Air Quality
- RLS13 - Traffic and Transport
- RLS15 - Canal and Riverside Development

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection on the following grounds:

1. The size, bulk and massing of the proposed development is overdevelopment of the site which is not in line with Local Plan Policy BE1(f) nor with Neighbourhood Plan Policies RLS1 2), RLS3 c) and RLS 15 b)
2. The proposal does not create a sufficiently active frontage to the canal thus having a negative impact on the Conservation Area
3. Potential for overlooking from existing adjacent properties, having a negative impact on future residents' amenity
4. Lack of sufficient on-site parking provision as per WDC Parking Standards SPD - the experience of Althorpe Street suggests that trying to prevent student parking in surrounding streets is very challenging.

5. HMO calculation of 40.77% far exceeds the 10% threshold in Local Plan Policy H6a) Holding objection until comments are received from WCC Highways in terms of access, highway safety and parking.

The Town Council would like to see more cycle parking provision on site and better cycle access to the towpath. Also support the comments of the Police Designing out Crime Officer with regard to the development being built to the minimum standard that complies with Secured by Design (New Homes 2019) Silver and this being made a condition of this application.

WDC Policy: In the context of policy H6, it is concluded that the proposal does not positively meet all of the criteria, and specifically fails to meet criteria (a) and (d), both of which seek to achieve the stated aim of limiting concentrations of HMOs and student accommodation at both neighbourhood and localised scales. The limiting of concentrations of such uses is linked to the other stated aim of the policy, which is to prevent unacceptable impacts on amenity for the more settled residential population.

In the case of adjacent 19-21 Wise Street (17/1614), the inspector concluded that whilst the scheme did not achieve the 'letter' of the policy, it did achieve the overall aim of preventing unacceptable impact on the amenity of surrounding residents. This was based on his conclusion that the location is sustainable for students and is in a mixed-use area with little residential development. He had regard to residential development south of the canal but concluded that it was unlikely that students would have cause to walk in that direction, thus minimizing disturbance.

It is acknowledged that this proposal includes the demolition of two existing (much smaller) HMOs, in order to deliver this scheme. The principle of the use is therefore established, though the intensification of this use must be assessed. The delivery of any other type of residential development on this site would fail to meet the requirements of policy H6 criterion (c). Appropriate uses for the redevelopment of the application site may be limited by virtue of its location 'sandwiched' between existing and consented student accommodation.

Taking all of the above into account, it may be arguable that in principle, this application meets the overall aim of policy H6, whilst not achieving conformity with each of the criteria. However, the proposal represents substantial intensification of this use at both a very local, and at a neighbourhood level. Practical issues associated with more intensive development, which is located on a very narrow street should be considered in consultation with the Local Highway Authority in particular.

WDC Health and Community Protection: No objection subject to conditions regarding air quality, submission of a management plan, land contamination, noise assessment, construction management plan and plant noise.

WDC Conservation: No objection, scheme design is acceptable as agreed with last application. Recommend conditions relating to facing materials, large scale details for doors windows and details of boundary fencing.

WDC CCTV: No objection.

WDC Sport and Leisure: Recommend contribution totalling £46,235 towards local improvements to indoor and outdoor sports facilities.

WCC Highways: No objection. Require a £10,000 contribution towards sustainable transport improvements within the local area.

WCC Ecology: Satisfied with submitted survey work demonstrating limited opportunities for protected species. Recommend a range of notes and conditions to ensure there is a biodiversity net gain and species are not harmed by the proposal.

WCC Landscape: The proposed scheme indicates an enclosed communal garden adjacent to the Grand Union Canal. The majority of the external space would be hard landscaped with some tree and shrub planting. A ramped access is to lead onto the canal towpath. The boundary with the canal would be defined by a low retaining wall with railings set behind. A rectangular seating area with sculptures will be accessible from the towpath. There is a narrow, grassed verge between the development edge and the towpath. The rectangular seating area and access onto the towpath would cross over this verge.

The applicant should provide details for all proposed softworks, including species, size, and density at planting.

WCC Flood Risk Management: Details submitted demonstrate that the scheme will result in a 50% betterment over existing drainage rates. No objection subject to conditions requiring scheme to be built in accordance with the submitted drainage details.

Canal and River Trust: Potential for land stability issues. Recommend imposition of appropriate condition together with explanatory notes.

Warks Police Designing Out Crime Officer: Recommend scheme built in accordance with Secured by Design Standards.

Warks Fire and Rescue: No objection subject to fire hydrant condition.

Inland Waterways Association: Whilst not greatly enamoured by yet another student accommodation block in this part of Leamington, the Inland Waterways Association take a neutral position on this scheme. The elevation presenting to the canal frontage is just of a sufficiently high architectural standard to avoid severe criticism and the proposed rules regarding the use of cars are, if fully enforced, satisfactory in aiding traffic management on the surrounding roads. Overall, at least this is an attempt to improve a very run-down area of the old town.

Public Response: A total of 52 letters of objection and 52 letters of support received.

Objection Comments

- Breaches 10% HMO Rule as set out in H6.
- Does not meet the exceptions to Policy H6.
- Size, bulk and massing is out of character with the area and Canal Conservation Area.
- Overdevelopment of the site.
- Will result in overlooking of neighbouring properties.
- Increase harm to already poor air quality within the area.
- No car policy is impractical and unenforceable and will lead to further parking problems in the area.
- Increased strain on local services.
- No evidence that PBSA's result in less pressure on other housing.
- Not a safe area for students.
- Undermines the ability to build viable, mixed use community.
- Lack of adequate waste management.

Support Comments

- Support high quality student accommodation.
- Will return much need housing to community use.
- Close to railway station transport hub so ideally situated.
- Enhanced links to town centre through Commonwealth Games will give students safe route.
- Will improve sustainable transport links.
- High quality accommodation will attract students from all over the globe.
- Will have economic benefits for Warwickshire and particularly Leamington Spa.
- Will increase the standard of the area.
- Will improve the street and bring jobs to the area.
- Will regenerate a local eyesore.
- Will encourage the refurbishment of other derelict sites.
- Will improve the Canalside.
- PBSA's do not result in the same issues as HMO's.

Perfect location for student accommodation.

ASSESSMENT

Principle of Development

Policy RLS1(4) of the Neighbourhood Plan states that proposals for purpose-built student accommodation will be supported when positively assessed against all related development plan requirements and guidance.

Policy H6 of the Local Plan advises that planning permission will only be granted for HMO's, including student accommodation, when a number of specified circumstances are satisfied. These are set out below:-

a) The proportion of dwelling units in multiple occupation (including the proposal) within a 100m radius of the application site does not exceed 10% of total dwelling units;

b) The application site is within 400m walking distance of a bus stop;
c) The proposal does not result in a non-HMO dwelling being sandwiched between two HMO's;
d) The proposal does not lead to a continuous frontage of three of more HMO's; and
e) Adequate provision is made for the storage of refuse containers whereby –
    i. The containers are not visible from an area accessible by the general public,
    ii. The containers can be moved to the collection point along an external route only.

This proposal would satisfy points (b), (c) and (e) set out above but would not accord with (a) which relates to the concentration of HMO's within a 100m radius of the site.

In terms of point (d), the site is already occupied by HMO properties and so already does not comply with this criterion. Therefore, this application would not lead to continuous frontage, moreover it would retain the status quo of the site.

The total number of existing HMO's within a 100m radius is 74 which when assessed against the total of 201 private properties within the 100-metre radius gives an existing percentage of 36.82% of total units. The development proposes an additional 12 (cluster flats) which would increase the percentage in a 100m radius to 40.77% which greatly exceeds the recommended 10% threshold.

Policy H6 sets out two exceptions that can be made to criterion (a). These are if the proposal is on the campus of the University of Warwick or Warwickshire College, or, on a main thoroughfare in a mixed-use area where the proposal would not lead to an increase in activity along nearby residential streets. Paragraph 4.65 of the LP states that main thoroughfares will normally be defined as A and B roads and mixed-use areas defined as those with a predominance of non-residential uses.

Paragraph 4.65 of the explanatory text to H6 states that since one of the main issues with HMOs can relate to anti-social behaviour and noise on routes home from the town centre, the Policy H6 criteria are intended to allow HMOs in locations where residential areas would not be affected.

In this case, the application site is accessed off Wise Street, which is not an A or B road. However, there are no settled residents on Wise Street which is primarily a commercial area with the only residential properties being existing HMO's/student accommodation blocks. Furthermore, Wise Street is relatively short in length and is directly accessed off High Street which is an 'A' Class Road.

It is also noted that the whilst the number of properties within the 100 metre radius is 74, the majority of private residential properties that make up this figure are located to the south and south west of the site on the opposite side of the canal. Therefore, the percentage increase is as a result of these properties which would not be directly affected by this development as the properties within the immediate vicinity of the site are predominantly commercial or existing HMO's.

Whilst Wise Street/Wise Terrace is not a main thoroughfare as defined in the explanatory text to Policy H6, given that no settled residents would be disturbed on the street and the number of existing properties within the 100 metre radius that would not be directly affected, Officers consider that the proposal would accord with the aim of this element of the exception.

Within the immediate vicinity of the application site, there have been two recent appeal decisions at 19-21 Wise Street and 4a Wise Terrace which immediately abuts the application site. Both appeal decisions granted planning permission for student accommodation and are considered to represent material considerations in the determination of this application.

In both appeals, the Inspector held that the proposed developments were in accordance with Policy H6 of the Local Plan, notwithstanding the fact that there was a greater concentration of dwelling units in multiple occupation than 10% within 100m of the sites.

In reaching their conclusion, it was accepted by the Inspector that this was a mixed use area where the proposals would not lead to an increase in activity along nearby residential streets (for example, by way of pedestrian movements between the application site and the town centre or car parking).

Due to the close proximity of these appeal sites, Officers consider that it would be not be reasonable to take a different view on this matter given there have been no changes in circumstances since the earlier appeal decisions.

Management Plan

The application has been submitted with a draft Management Plan setting out how the site is to operate.

- Day time Management responsibility will be provided by a dedicated team based at Station House between 9am and 5pm dealing with matters relating to student welfare, complaints, general maintenance and repair works. The management team will include appropriately qualified security guards.
- Out of hours will be operated through an out of hour phone contact system supplemented by 2 on-site student wardens providing an on-site presence supplemented by CCTV coverage of the site.
- All students will sign a tenancy agreement setting out the rules and code of conduct together with escalating levels of enforcement if these rules are not adhered to.
- The moving in/out process will be strictly regulated to ensure that students are staggered throughout the period to prevent disruption. Students will be sent timings in advance together with an information pack about the local area.
- Car parking will only be available to a limited number of students for the spaces provided on site. All other students will sign a declaration that they will not use or park a motor vehicle within a 1-mile radius of the site and this will be subject to escalating fines.

- Regular inspections of all communal areas will be carried out to ensure the facilities are maintained to a high standard.
- A detailed refuse strategy for site waste is provided to ensure that adequate measures are in place.
- The Management Team will actively seek to engage with local tenants and residents associations and community organisations. In addition to working closely with local people, the Management Team will hold annual meetings with local residents and groups to discuss and address any issues.

The final detail of the Management Plan will be secured through the Section 106 Agreement and will be binding to ensure the site is operated and occupied in strict accordance with the measures set out in the plan.

Taking the above into consideration, Officers consider that the whilst the scheme does not fully accord with the requirement of H6, the specific nature of this proposal is such that it generally satisfies the objectives of the policy. On this basis, Officers raise no objection to the principle of development.

Design and impact on visual amenity and the character of surrounding area and impact on character of the Conservation Area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy RLS3 states that Development proposals that are within or directly affect a Conservation Area must assess and address their impact on their heritage significance.

In addition, Policy RLS15 requires canal and riverside development to demonstrate that it has appropriately addressed a range of criteria to enhance the canal or riverside setting.

Warwick District Local Plan Policy HE1 (protection of Heritage Assets) states development will be expected to respect the setting of conservation areas and important views both in and out of them.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance

of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

The proposed building has been the subject of discussions between the applicants and Conservation Officer at pre-application stage. The building has been designed as a contemporary Canal side development using a predominately facing brickwork façade detailed with brick arches and full-length windows to provide an industrial warehouse aesthetic in line with the site's industrial history. A lightweight glazed façade to the top floor is set back from the main external structure.

The overall height of the building will match the existing premises at 4a Wise Terrace and the proposed adjacent premises at 2 Wise Terrace (not yet built). This will result in a radical change in the appearance of the site when viewed from the canal corridor compared to the existing with the introduction of additional 5 storey buildings to an area that is currently fairly open. However, the building has been designed to create a scale of buildings akin to the industrial heritage of Canalside properties. In Officers opinion, this will result in a series of developments that complement each other whilst reinforcing the industrial appearance of the buildings when viewed from the Canalside elevation.

The building is in line in terms of overall plan depth with 4a Wise Terrace and the building then steps forward in blocks to the point where it meets 19-21 Wise Street. This stepped appearance links the existing buildings on the site to deliver a coherent range of buildings that are complementary in terms of overall design and appearance.

On the Canalside elevation, the site provides a setback to provide communal garden areas that offers some relief between the buildings and the tow path. It also provides a soft edge with landscaping to the canal whilst providing an area of external space for future occupiers. The area is proposed to be enclosed with railings behind the existing grass verge to provide security for the occupiers whilst retaining an open aspect through the site.

As part of the proposal, a new seating area for users of the canal tow path is also proposed provided a landscaped area incorporating public art.

The scheme has been designed to meet the requirements of the Conservation status of the area and the overall scheme is considered to improve the existing appearance of the canal corridor by introducing a well-designed building that reflects the historic character and usage of the canal corridor.

Overall, the scheme is considered to represent a positive impact to the character of the area and Canal Conservation Area. The scheme is therefore considered to accord with Policies BE1 and HE1 of the Local Plan and Policy RLS3 of the Neighbourhood Plan.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed building will have a side to side relationship with the adjacent properties that have fenestration predominantly to front and rear. The fenestration in the proposed building is also to the front and rear. This ensures that the development will not have a detrimental impact on the amenity of the neighbouring residents.

Directly opposite the site is a building known as 6 Wise Terrace which is a boxing gym. To the side of No. 6 is a single storey flat roof garage associated with 17 Tachbrook Road. Whilst in close proximity, the proposed building is not considered to have any detrimental impact on the amenity of these premises as the gym is not a domestic premises and the garage is an ancillary building associated with a dwelling that is set fronting onto Tachbrook Road.

Within the wider vicinity, the predominant properties are existing HMO's or PBSA Accommodation. The application site is set in an area away from private residential properties and Officers are satisfied that the distance from residential properties together with intervening features is such that there would not be any demonstrable harm to the amenity of residential properties within the area.

Overall, Officers are satisfied that the development is acceptable having regard to Policy BE3 of the Local Plan.

Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

All bedrooms are provided with appropriate windows provided an acceptable level of light and outlook for all occupiers. In addition, the communal areas are also provided with adequate windows for light and outlook. The room sizes are also in accordance with the requirements for HMO's.

The Environmental Health Officer has recommended a range of conditions to ensure an appropriate environment is provided for future occupants of the development.

Within the site boundary, a shared communal garden space is proposed adjacent to the canal tow path to provide external amenity space for future occupiers. In addition to the on-site space provided, an off-site contribution towards open space within Leamington Spa is proposed to maintain and improve the spaces to reflect the potential for increased usage as result of this development. The final figure will be reported within the update sheet.

The scheme is therefore considered acceptable having regard to Policy BE3 of the Local Plan.

Highway Safety

Policy RLS13 of the Neighbourhood Plan required all developments to support measures for sustainable transport methods to make Royal Leamington Spa a cleaner, safer and healthier town.

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The application site is to be offered as a car-free development. This will be incorporated into a site management plan to be secured through the Section 106 Agreement.

The Draft Management Plan submitted as part of the application demonstrates how the site will be maintained as a car free development and how the site will be serviced. As the Plan is to be secured through the Section 106, it will be legally binding to ensure that it is adhered to. This will ensure that should problems occur; a mechanism is in place to rectify the issue swiftly.

The scheme has been assessed by the County Highways officer who has raised no objection to the proposal subject to the management scheme being secured. As a car-free development, the County Highways Officer has also requested a contribution towards improvements to sustainable transport links in the local area that will improve site access to the town centre.

Subject to the required Section 106 obligations, the proposal is considered acceptable having regard to Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The application was submitted with a comprehensive assessment of Ecological features.

This has been assessed by the County Ecologist who notes and agrees that the buildings were found to offer limited opportunities to roosting bats and no evidence of bats or nesting birds was found. Notwithstanding the lack of evidence of bats or birds, the ecologist recommends that the proposed demolition works should have been carried out ideally within a year from the date of this survey. As the

survey work was carried out in April 2020, it is proposed that a condition be added to update the survey accordingly and provide mitigation is any evidence is found as a result of the additional survey work being completed.

In addition to the survey condition, it is considered appropriate to include notes relating to bats and nesting birds, as protected species.

The application site is adjacent to potential Local Wildlife Site 'Grand Union Canal'. The Ecologist has recommended that the nature of the canal, as a wildlife corridor, is considered in any landscaping next to the towpath. The canal has been already impacted on by paved landscaping and non-native planting by other applications and it is noted that the proposed plans indicate a similar landscaping proposal.

According to aerial photography the canal towpath was mostly screened in this area of Leamington by hedgerow/linear scrub. Considering this, the Ecologist has recommended that native planting (ideally native hedgerow) is planted along the boundary of the site to screen this development from the canal towpath.

The NPPF requires that new development should result in a biodiversity gain. Due to the low existing Biodiversity value of the site, an appropriate ecological and landscaping scheme can be secured via a condition to the application to ensure that this is achieved.

Due to the proximity of the site to the canal, the Ecologist has recommended that measures should be taken during construction to protect the canal by any dust deposition or chemical runoff. This can be secured by a condition.

As the site is adjacent to the canal which is used by species such as bats and otter a sensitive lighting scheme should be considered, and this can be secured by appropriate condition.

Subject to the imposition of the above conditions, Officers consider that the proposal is acceptable having regard to Policy NE3.

Section 106

The proposal will require the securing of a Management Plan. In Officers opinion, this is mostly appropriately secured through a Legal Agreement.

In addition to the Management Plan, contributions are sought towards local improvements required as a direct result of this development. These contributions are;

- Sustainable Transport Improvements - £10,000.
- Improvements to indoor and outdoor sports facilities - £46,235 (£1,634 for outdoor sport, £18,185 for indoor sport and £26,416 for grass pitches).
- Improvements to public open space - £tbc within the update sheet.

Contaminated land and environmental health impacts

The scheme has been fully considered by the Environmental Health Officer (EHO) has confirmed there are no objections and that subject to the imposition of appropriate conditions the development will not to give rise to harmful or other adverse impacts on the amenity of nearby residents, future occupiers of the site and other sensitive receptors from nearby land uses.

In terms of contaminated land, it is recommended that a condition be imposed on any forthcoming permission requiring the submission of a ground investigation strategy, report of the investigation and details of any remediation.

In terms of noise assessments, the Environmental Health Officer has recommended that a noise assessment is undertaken to ensure that the development provides an appropriate internal noise environment for future occupiers of the development. A condition is therefore recommended requiring the developer to carry out the appropriate survey and any required standard of attenuation which shall thereafter be maintained in accordance with the approved details.

Air quality/pollution has been considered against the Council's Low Emissions Strategy - A Guide for Developers document (2014). In this regard, a condition is recommended that requires the submission of a Low Emissions Strategy.

In respect of nuisance/pollution arising from demolition and construction, a condition is proposed requiring the submission of a Construction Management Plan, to control all aspects of the demolition and construction of the development.

Overall, considering all the above considerations, it is considered that the proposed development does not raise any concerns in respect of ground contamination or noise and air pollution. Subject to the imposition of appropriate conditions the development is considered acceptable in these respects and accordingly is considered to comply with Policies BE3 and NE5 of the Local Plan.

Waste Management

The development has designated covered communal bin stores located at ground floor with access to Wise Terrace. The bin store will contain 8 wheelie bins split into refuse waste and recycling.

Each communal area will be provided with bins for refuse and recycling. Details of the refuse and recycling management arrangements will be posted on a communal notice board within the ground floor entrance. Residents will also be informed of the waste and recycling strategy on moving into the residence via an information pack provided by the management team.

Students will be responsible for moving waste from the communal areas to the bin stores and the management team will inspect these areas on a weekly to ensure this is carried out.

On collection days the on-site management team will transfer the bins from the covered store to the main entrance where the Local Authority waste collection

services will remove the waste from this area. Thereafter, the emptied bins are inspected and if necessary washed down before being transported back to the bin store by the on-site management team.

The site manager will carry out daily inspections of the bin store to ensure the area conforms to hygienic regulations and minimises pest control issues.

The Waste Management Strategy forms part of the Management Plan of the site which is to be secured through a Section 106 Agreement. On this basis, Officers are satisfied that the development would be acceptable having regards to waste management.

Conclusion

The proposed development is considered acceptable in principle as it meets the exceptions set out within Policy H6 of the Local Plan.

The scheme is considered to have a positive impact on the Canal Conservation Area by providing a high-quality building that reflects the canals industrial heritage.

Site specific matters can be adequately dealt with by condition and the requirement for a Section 106 Agreement to secure off-site contributions will ensure that local infrastructure is improved to take into account the potential for increased use as a result of the development.

On the basis of the above, the application is therefore recommended for approval.

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 drawings;

- 3878-102 Rev C: Proposed Ground Floor Plan
- 3878-103 Rev A: Proposed First, Second and Third Floor Plan
- 3878-104: Proposed Fourth Floor Plan
- 3878-105 Rev A: Proposed Elevations

and specification contained therein, submitted on 16 November 2020.

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 1. No development shall take place until;

a) A desk-top study has been carried out that shall include the identification of those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) If identified as being necessary having completed the desk-top survey study, a site
investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029.

4 'No part of the development hereby permitted shall commence on site until an environmental noise assessment has been carried out by a competent person and a report of that assessment together with recommendations for any necessary mitigation measures to comply with BS 8233:2014 "Sound Insulation and "World Health Organisation Guidelines For Community noise" shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be carried out strictly in accordance with all the recommendations contained within the approved noise report, prior to the first occupation of the development hereby permitted. Thereafter the mitigation measures shall be maintained in accordance with the approved details.'

Reason: To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

5 The development hereby permitted shall not commence unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide for: the parking of vehicles of site operatives and visitors; site working hours and delivery times; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; 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, together with any details in relation to noise and vibration; and a scheme for recycling / disposing of waste resulting from demolition and construction works. A model CMP can be found on the Council's website (https://www.warwickdc.gov.uk/downloads/file/5811/construction_management_plan) or by searching 'Construction Management Plan'. The development hereby permitted shall only proceed in strict accordance with the approved CMP.

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 and NE5 of the Warwick District Local Plan 2011-2029.

6 No development shall take place until a Method Statement detailing the design and means of construction of the foundations of the building hereby permitted, together with any other proposed earthmoving and excavation works required in connection with its construction, has first been submitted to and agreed in writing by the Local Planning Authority.

The Method Statement shall identify and incorporate any measures required to avoid the risk of adversely affecting the structural integrity of the adjacent Grand Union Canal and towpath (such as vibration monitoring during piling operations). The development shall thereafter only be carried out in accordance with the agreed Method Statement.

Reason: In the interests of avoiding the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the structural integrity of the adjacent Grand Union Canal and towpath in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the National Planning Policy Framework and in the National Planning Practice Guidance, and to comply with Policy NE7 (a) of the adopted Warwick District Local Plan 2011-2029.

7 No part of the development hereby permitted (including any works of demolition/remediation) shall commence on site until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details. The Plan shall include / provide for:

- A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons);

- Persons responsible for:

i. Compliance with legal consents relating to nature conservation;
ii. Compliance with planning conditions relating to nature conservation;
iii. Installation of physical protection measures during construction;
iv. Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
v. Provision of training and information about the importance of Environment Protection measures to all construction personnel on site.

Reason: To ensure that protected species are not harmed by the development.

8 No works to commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native planting and installation of bat/bird boxes. The agreed scheme to be fully implemented before/during development of the site as appropriate.

Reason: In accordance with NPPF, ODPM Circular 2005/06.

9 No development (including demolition) shall commence until a further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the local planning authority. The approved mitigation plan shall thereafter be implemented in full.

Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

10 No development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, in particular along the canal, 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:

- Lighting should be directed away from vegetated/watercourse areas
- Lighting should be shielded to avoid spillage onto vegetated/watercourse areas
- The brightness of lights should be as low as legally possible
- Lighting should be timed to provide some dark periods
- Connections to areas important for foraging should contain unlit stretches

The agreed scheme to be fully implemented before/during development of the site as appropriate.

Reason: To ensure that any lighting is designed and operated so as not to detrimentally affect the amenities of the occupiers of nearby

properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

11 It should be ensured that there is no contamination of the watercourse either during or after development. A schedule of suitable measures to minimise detrimental run-off and ensure no net biodiversity loss in accordance with NPPF, ODPM Circular 2005/06 and to comply with guidance within the Water Framework Directive to be submitted prior to any ground clearance (including demolition). The Environment Agency can provide further details if required.

Reason: To ensure the protection of important habitats during development having regard to Policy NE3 of teh Local Plan

12 The development hereby permitted shall take place strictly in accordance with the detailed surface water drainage scheme for the site as detailed within document entitled "C7709-SMMP-01 DRAINAGE / EXTERNAL WORKS / SUDS MAINTENANCE & MANAGEMENT PLANS" and C7709 SURFACE WATER RUN OFF CALCULATIONS together with details shown on plan references and C7709-100-P1 (Drainage Strategy) and C7709-101-P0 (Flood Routing Plan), based on sustainable drainage principles, the approved FRA unless an alternative scheme is submitted to and approved in writing by the local planning authority in consultation with Warwickshire County Council Flood Risk Management. The scheme shall be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

13 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) 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.

14 The development hereby permitted shall not be occupied unless and 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 Local Planning Authority and the approved

scheme has been implemented in full in strict accordance with the approved details.

Reason: In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

15 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

16 No development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.

17 Prior to first occupation of the development hereby permitted, details of the proposed heating plant and their emissions shall be submitted for the approval of the Local Planning Authority. For the installation of individual gas fired boilers, these shall be low NOx models where emissions do not exceed 40mg NOx/kWh.

Reason: To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

18 Noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to

the detriment of the amenities of the occupiers of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.

19 No part of the development hereby permitted shall be occupied until a detailed waste management strategy/ plan to demonstrate that the waste from the site can be satisfactorily disposed of has been submitted to and approved in writing. Thereafter, the development shall only operate strictly in accordance with the approved plan.

Reason: To ensure an acceptable waste disposal strategy is in place for future occupants of the development having regard to Policy BE3 of the Warwick District Local Plan 2011-2029.