

Planning Committee: 28 February 2023

Item Number: 5

Application No: [W 22 / 0860](#)

Town/Parish Council: Leamington Spa

Registration Date: 06/06/22

Case Officer:

Dan Charles

Expiry Date: 05/09/22

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Land at, Althorpe Street, Leamington Spa

Demolition of existing buildings and erection of a mixed-use scheme comprising commercial floorspace (Use Class E) and purpose-built student accommodation (Sui Generis) in three buildings of up to six storeys with associated landscaping, tree works, footpaths, parking, servicing, communal amenity area and associated works and improvements. FOR HGL Leamington Ltd

This application is being presented to Committee due to the level of objection received including an objection from the Town Council and because a S106 agreement is required.

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 necessary alterations to the final list of conditions.

Should a satisfactory Section 106 Agreement not have been completed within 4 months of the date of Committee or in the opinion of Officers, insufficient progress has been made within this period to warrant the agreement of additional time to complete the 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 the existing buildings on the site and the erection of 3 new buildings consisting of commercial uses at ground floor with a total of 328 student bed spaces divided into 18 HMO's and 230 individual self-contained studios. The rooms are also supplemented across the development with communal areas such as lounges and dedicated study spaces.

The proposed buildings are to be predominantly glazed at ground floor with brickwork above supplemented with contrasting cladding above to provide a simple materials palette. The windows above ground floor are predominantly uniform in design to provide a simple design characteristic akin to a canalside warehouse development. Throughout the design, additional features are proposed to add interest to the buildings whilst maintaining a simple overall aesthetic. The proposed buildings are to be set with differing overall heights under a combination of flat and sloping roofs.

Within the site area, it is proposed to create a shared surface area concept with access to the car parking forming a single area of space interspersed with landscaped areas. Off-street parking is also provided for 7 vehicles.

The proposed development is to be car-free with restrictions in place to prevent occupants bringing vehicles to the site or within the vicinity of the site. This will be controlled by a Management Plan document to be secured through the Section 106 Agreement.

In order to maximise alternative transport methods to and from the site, highways improvements are also proposed to be secured through the Section 106 Agreement including the carrying out of footway and road improvements to Althorpe Street as well as a financial contribution of £20,000 to provide upgrades to the road network and parking restrictions together with additional directional signage.

THE SITE AND ITS LOCATION

The application site comprises a range of trade counters, workshops and general industrial buildings at the end of Althorpe Street in Leamington Spa. The properties, which comprise 6 separate buildings, are generally of two-storey construction/ dimensions with a variety of functional and utilitarian constructions typical of a trading estate that has developed and renewed itself over the last half of the 20th Century.

The site is located at the south eastern edge of the Leamington Spa town centre and is designated in the Local Plan as a Protected Town Centre Employment Area. The railway station is located 400m to the northwest. Bus stops are located within 150m on the High Street and at Clemens Street.

The site and properties therein, is constrained by the Grand Union Canal to the south and the Chiltern Railway line (embankment) to the east. This has restricted the depth of the properties between Althorpe Street and the canal which are, as a consequence, very narrow. It also means that the shape of the unit at the end of Althorpe Street is highly unusual in that it is a triangular building. The only units that are in any way of a 'normal' configuration for industrial properties are the two units north of Althorpe Street.

The former BT premises immediately adjoining the proposal site to the west has recently been redeveloped for purpose-built student accommodation consisting of a

4 storey block containing 187 student bed spaces and associated facilities (planning permission ref: W/15/1448 granted on 3rd February 2016). This site is currently operating.

The remainder of the nearby buildings are predominantly two storeys in height under a mixture of flat and pitched roof styles. In terms of design, the buildings are of varied character but of typical, utilitarian commercial construction.

PLANNING HISTORY

W/19/0505 - Demolition of existing buildings and erection of 3no. 4 storey mixed-use buildings comprising retail, management services and Use Class B1 units to the ground floor and student accommodation (273 bedrooms within 51 cluster flats) to the upper floors with associated external works – **REFUSED 06.03.2020**

W/18/1476 - Demolition of existing buildings and erection of 3no. 4 storey mixed-use buildings comprising retail, management services and employment use (Use Class B1(a)) units to the ground floor and student accommodation to the first, second and third floors (totalling 273 bedrooms within 51 cluster flats) together with associated external works – **WITHDRAWN – 01.02.2019**

RELEVANT POLICIES

- National Planning Policy Framework

Royal Leamington Spa Neighbourhood Plan 2019-2029

- RLS1 - Housing Development Within the Royal Leamington Spa Urban Area
- RLS3 - Conservation Area
- RLS5 - Royal Leamington Spa Housing Mix and Tenure
- RLS12 - Air Quality
- RLS13 - Traffic and Transport
- RLS14 - Cycling
- RLS15 - Canal and Riverside Development
- RLS16 - Royal Leamington Spa Town Centre
- RLS17 - Royal Leamington Spa Creative Quarter

Warwick District Local Plan 2011-2029

- DS5 - Presumption in Favour of Sustainable Development
- DS17 - Supporting Canalside Regeneration and Enhancement
- PC0 - Prosperous Communities
- TCP1 - Protecting and Enhancing the Town Centres
- H0 - Housing
- H6 - Houses in Multiple Occupation and Student Accommodation
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity

- 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
- HS4 - Improvements to Open Space, Sport and Recreation Facilities
- HS7 - Crime Prevention
- CC1 - Planning for Climate Change Adaptation
- CC3 - Buildings Standards Requirements
- FW1 - Development in Areas at Risk of Flooding
- FW2 - Sustainable Urban Drainage
- FW3 - Water Conservation
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- NE7 - Use of Waterways
- DM1 - Infrastructure Contributions

Guidance Documents

- Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - April 2019)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Canal Conservation Area DPD
- Creative Quarter "Big Picture" Document.

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection: Out of keeping with surrounding properties in terms of height and scale. Removal of trees reduces biodiversity. Inadequate car and cycle parking. Negative impact on Canal Conservation Area. Contrary to Neighbourhood Plan Policies. No empirical evidence to show new PBSA's bring ex-family homes back into use. Concern about support for relocation of existing businesses from site.

Matt Western MP: Objection: Land is protected in Warwick District Council's Local Plan as employment land (TC12). Currently, there are several businesses operating in this part of Althorpe Street, who would be displaced by this application - this would mean the loss of 75 jobs. The application claims that alternative premises have been secured for these businesses. Having spoken with the businesses, it is clear this is not the case. I am also concerned that the landlord is intimidating the businesses there so that they do not speak out about this application. One of the reasons the previous application on this site was rejected was because the redevelopment for a student-led development would result in a significant net loss of 'B' Class floorspace on a well occupied industrial area and would result in the displacement of a range of businesses and associated employment. I do not see how this updated application changes that in any way. The co-working space offered by this application seems

poorly thought through, and only serves as a means to push this application through - there is no plan for who would use this space and it clearly will not create the kind of high-quality, skilled jobs that exist currently on the site.

Put succinctly, the economy will lose these businesses and these jobs. Tellingly, there is no such provision elsewhere for this scale of business being developed.

Further, the application breaches the Council's policy on HMOs, which states there should not be more than 10% of HMOs in a radius of 100 yards. This application would take it to 32%. We are building the wrong type of housing in the wrong places. My constituents desperately need more genuinely affordable housing - such as social rent council homes - yet this is the kind of application that we are being offered time and time again instead. This application will provide no affordable accommodation as it's a purpose-built student housing block.

The design of the scheme is not suitable for the area, and is not in keeping with the Council's Canalside Policy. I am concerned that the developer plans to fell the mature trees which line the Grand Union Canal tow path next to the proposed development. Nearly 300 people have signed a petition against this. #

The buildings are also too tall and will adversely affect the amenity for local residents.

This development will also exacerbate current issues with the volume of students commuting to the University of Warwick from South Leamington, such as a lack of space on local buses for students to get to campus.

My understanding is that the application is also contrary to Leamington Neighbourhood Plan, RSL1, 3, 5 & 15.

For all these reasons, I object to the application and this development should not go ahead.

WDC Conservation: Objection. Whilst design is significant improvement over earlier proposal, scheme is greater in terms of massing which is contrary to the established urban character.

WDC CCTV: Scheme will have an impact on a number of South Leamington CCTV Cameras, particularly at footbridge. Development may affect power supply and wireless line of sight.

WDC Environmental Protection Officer: Concern about use of mechanical ventilation as well as impact of noise on future residents.

WDC Open Space Officer: Would require off-site contribution to open space to mitigate for the development. Significant potential to enhance canal corridor and biodiversity.

WDC Arboricultural Officer: Satisfied with the content of the submitted report. Recommend conditions to secure works to be in accordance with the recommendations within the report.

WDC Waste Management: No objection. Bins would need to be located at agreed collection point.

WCC Ecology: Objection: Require revised biodiversity metric.

WCC Landscape: Objection: Development markedly higher than buildings around it. Requires removal of trees which is harmful to landscape character and setting of canal. Trees should be retained for screening.

WCC Highways: No objection subject to conditions and Section 106 contribution (verbal only – awaiting written response).

WCC Infrastructure: No request for contributions. May require monitoring fee is S106 is required that WCC is party to.

WCC Flood Risk Management: Following submission of additional information, no objection subject to conditions.

WDC Footpaths: No objection. A definitive map modification has been submitted but not yet processed.

Canal and River Trust: No objection in principle. Make recommendations for conditions and notes to secure appropriate details of scheme.

NHS CCG: No comments received.

South Warks NHS Trust: No comments received.

Warks Fire and Rescue: No objection subject to condition securing hydrants to be provided.

Conservation Advisory Forum: Objection: Development dense and overly large, dwarfing neighbouring development by up to 2 storeys. Scheme in contravention of TC12. Potential for adverse impact on conservation area.

Public Response: 177 Comments of objection and 3 comments of support received.

Reasons for Objection

- Great deal of student accommodation in Leamington, so much that proportion of students to residents is becoming unbalanced. This development will exacerbate this imbalance.
- Area already saturated with students and this development will bring more noise, anti-social behaviour, rubbish and parking.

- Transient nature of occupation already adversely affects long term residents.
- More pressure on public transport, more use of cars and more harm to air quality.
- Small, thriving businesses will be displaced damaging them and the local economy.
- Businesses may not be able to find alternative premises.
- Remaining businesses will also be threatened by years of disruption.
- Loss of creative businesses goes against the Creative Quarter documentation.
- No guarantee of the creation of 135 new jobs.
- 6 storey building will be intrusive, dominating the skyline and overhanging what is currently a delightful canalside, a major amenity for visitors both pedestrian and waterborne.
- Blocks are without architectural merit.
- Will turn area into a student village which is not identified within the Local Plan.
- Will bring no benefit to Leamington or its year round residents or businesses.
- Parking is inadequate for a development of this scale and will undoubtedly impact the surrounding areas.
- Existing parking situation is already insufficient.
- There is no demand for student housing in Leamington Spa.
- Object to student housing with no creation of permanent and social housing.
- Need to meet housing needs of the whole community.
- Will increase pressure on local GP waiting lists.
- No great demand for student accommodation.
- No trees need to be felled and should be retained.
- Harm to wildlife.
- Site is over-developed.
- Not within the spirit of climate change policy.
- No evidence that existing houses will be freed up.
- H6 10% policy is breached and there are no exceptional circumstances to justify the breach.
- Would result in many more students accessing town centre from George Street and Church Terrace causing harm to residential amenity.
- Will overshadow existing towpath.
- Obscures the route of a historic footpath.
- Will result in wind tunnel effect for boaters and passers-by.
- Crime will increase due to anti-social behaviour.
- Contrary to Neighbourhood Plan.
- Will overlook nearby properties due to height.
- Could create a precedent for future development.
- Lack of cycle path accessibility.
- Canal Tow Path is not a particularly safe or attractive route to Town Centre.
- Will result in difficulties for large vehicles being able to turn around.
- Development is not very sustainable with use of gas and electric heating.
- Biodiversity Net Gain calculation is erroneous.
- Parking Survey is not in accordance with SPD Requirements.

Reasons for Support

- Should be allowed to go ahead in order to provide more housing for students and homes for people on housing waiting list
- Will regenerate a particularly unattractive area of former industrial land adjacent canal and railway line.
- Dual benefit of making canal frontage more welcoming and improving the image of the town for passing railway users.
- Scale and density look great and student use will help to lift the area by introducing a 24hr use to an area that isn't predominantly residential at the moment.
- Will ensure a high level of footfall for surrounding businesses for further regeneration.
- Will free up residential properties for locals
- Will add to the vibrancy and diversity of the area.

ASSESSMENT

History/Background

Planning application W/18/1476 sought permission for the redevelopment of the site for business and student uses. This application was withdrawn following discussions with officers.

The subsequent application was resubmitted under reference W/19/0505 seeking to address the concerns highlighted on the earlier application. Following lengthy discussions, this application was refused under delegated powers as being contrary to Policy TC12 (Town Centre Employment Areas) and H6/BE3 (Student Accommodation/Amenity). The reasons for refusal are set out below;

Policy TC12 of the Warwick District Local Plan 2011-2029 seeks to protect Town Centre Employment Land and Buildings by resisting development that results in the loss of 'B' Class uses either through the redevelopment or change of use of land and buildings.

In the opinion of the Local Planning Authority, the redevelopment of the site for a student-led development would result in a significant net loss of 'B' Class floorspace on a well occupied industrial area and would result in the displacement of a range of existing 'B' Class uses from the site which would not be adequately mitigated for.

The scheme is also considered not to comply with the wider regeneration aspirations as set out within the explanatory text within the Policy and in the Creative Quarter Big Picture Supplementary Planning Guidance (adopted 2019) which states that "Althorpe Street is already occupied by a handful of creative industries and has the potential for frontage onto the Grand Union Canal. The repurposing of existing building combined with new build intervention could create a new hub for the southern side of the town."

The proposal is therefore considered contrary to the aforementioned policy and SPG.

Student Accommodation/Amenity

Policy H6 of the Warwick District Local Plan (2011-2029) seeks to resist the over-concentration of Houses in Multiple Occupation (HMO's) by setting out a framework for the assessment of application proposals that seek to provide HMO accommodation. In addition, Policy BE3 seeks to ensure that all new development does not have an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed development would introduce a significant amount of student HMO's within an area where there is an existing over concentration of such uses and would therefore exacerbate the adverse impacts which have been evidenced to result from such concentrations through the implementation of the Article 4 Direction and adoption of Policy H6, e.g. noise, disturbance, social cohesion and anti-social behaviour to the detriment of the amenities of the occupants of residential properties within that area. The proposal is not considered to meet any of the exceptions set out within Policy H6.

The development would therefore be contrary to the aforementioned policies.

This application is a revised scheme that seeks to address the previous concerns to demonstrate an acceptable form of development. The key elements that have changed are an increase in the ground floor commercial space to offset the loss of floorspace to address Policy TC12 and a demonstration together with off-site works to demonstrate that the proposal would comply with the exception test set out within Policy H6.

Principle of Development

The principle of development is in two distinct elements;

- The demolition of the existing commercial buildings and the creation of new commercial uses and associated student uses to the ground floor of the new buildings.
- The provision of a total of 328 bed spaces for use as student accommodation separated into a range of single units and cluster flats with shared facilities.

Strategically, Policy PC0 of the Warwick District Local Plan 2011-2029 sets out the Council's aim to promote sustainable economic development to support a vibrant and thriving economy to deliver the jobs the District needs during the plan period in line with certain principles. Amongst these principles and of particular relevance to this development proposal are:-

- Supporting more sustainable patterns of growth focusing development, where it can, on previously developed land in the most sustainable locations;
- Enabling thriving and vibrant town centres that fulfil a range of functions; and
- Supporting opportunities for regeneration.

Policy TC12 refers to protecting Town Centre Employment Land and Buildings and states that the redevelopment or change of use of existing employment land and buildings within these areas to non-B Class Uses will not be permitted.

The proposal is to remove the existing buildings on the site which are a combination of B Class uses and to replace them with the buildings that would retain the Office use at ground floor level together with the provision of a café facility. Within the ground floor area are services, plant rooms, bin stores, cycle storage and some ancillary facilities for the student use. Above the ground floor B Uses, student accommodation would be set over multiple floors across the 3 buildings.

Paragraph 3.90 of Policy TC12 refers specifically to Althorpe Street and states that the Council may consider the introduction of a wider range of uses if they would positively contribute to the wider regeneration aspirations of this area of Old Town.

In association with the above, the Local Planning Authority has produced the "Creative Quarter Big Picture" document that was approved at Executive Committee in March 2019 to be adopted as Supplementary Planning Guidance. The document is designed to provide a high-level, overarching ambition and vision for this area of Leamington and is to be used to create a unified and collaborative approach to regeneration.

The Althorpe Street Area is identified as a key development opportunity and is described as follows;

"Althorpe Street is already occupied by a handful of creative industries and has the potential for frontage onto the Grand Union Canal. The repurposing of existing buildings combined with new build intervention could create a new hub for the southern side of the town. (Appendix 2: Key sites - p.17)"

In addition, the description of possible uses at Althorpe Street on p.37 of the document identifies the area as a potential "Social Exchange" with the aspiration of the area being *"A unique canalside development which offers a mixed use workspace, residential and recreational amenity space for young creatives"*.

The proposal would result in a net loss of overall floorspace for B Uses. Approximately 1,310 square metres of Office Floorspace is proposed at ground floor level. It is acknowledged that this would result in a net reduction compared to the existing buildings on site, which are noted in most cases as being occupied by established businesses. The existing premises have a gross floor space of approximately 2,641 sq metres so the proposal results in a reduction of 1330 sq metres or approximately 50.5%.

Due to the close proximity of the student accommodation, it would also not be possible to provide B2 uses that currently form the predominant use within the site area. There are multiple businesses currently operating from the site that fall within the B2 use class that would be displaced as a result of the development of the site.

Whilst Officers note that these existing uses are predominantly individual, small scale businesses with levels of employment that are fairly low, they are all established businesses that offer a local service to the community and their loss is considered to be contrary to the aims and objectives of TC12.

There is a clear aspiration moving forwards that Althorpe Street is earmarked for regeneration. On this basis, during the assessment of the 2019 proposal, the scheme was assessed by a specialist viability assessor who considered the scope for the redevelopment of the site purely for B Class uses.

In his response, it was noted by the assessor that any redevelopment would have to provide the B Class uses with modern facilities such as service yards and car parking areas and the irregular shape of the site would limit the potential redevelopment of the area. As a result of this, the yield in terms of commercial floor space would be limited by the requirements for car parking and servicing etc. However, as stated above, the site is currently well-occupied and there is no specific need to redevelop the site for B Class uses at the current time.

The provision of flexible B1 accommodation would provide office space in line with some of the aspirations of the Creative Quarter and also the wider 'Silicon Spa' aspirations for the attraction of modern 'tech' firms to complement the existing high level of digital businesses that operate from the Town.

The scheme as submitted proposes multiple storeys of student accommodation above ground floor commercial use. In pure floorspace terms, the B1 areas are significantly subservient to the student accommodation floorspace. However, the ground floor use proposes to retain the commercial floorspace as required by Policy TC12. Whilst there is a net reduction in floorspace for commercial purposes, it is noted that in terms of potential employment numbers, the open plan floor space allows for an increase in number of occupants and the office-based use would yield a higher level of employees than the existing use.

In addition to the assessment above it is also appropriate to consider the proposal in line with Policy DS17 of the Local Plan. The Council has adopted a Canal-side Development Plan Document (DPD) that assesses the canals in the district and their environment and setting, identifies areas for regeneration along urban sections and identifies areas for protection. The general thrust of the DPD is to ensure that important canal-side sites are protected and enhanced through appropriate means. A key way in which to facilitate this would be through the regeneration of such sites; particularly those which are prominent and/or in an urban area where such regeneration would preserve and further enhance these valuable canal-side sites.

In accordance with Paragraph 17 of the NPPF, encouragement should be given to the effective use of land by reusing land that has been previously developed providing that it is not of high environmental value.

Officers have considered all of the factors as set out above and note that the key principle of Policy TC12 relates specifically to the protection of Town Centre Employment sites. Having taken into account the options set out above, the redevelopment of the site for commercial office space at ground floor together with student-accommodation on the upper floors is considered to fall within the scope of Policy TC12 insofar as the scheme would retain commercial use at ground floor and the associated employment opportunities whilst also providing student accommodation at upper floor levels in well designed buildings that would go towards achieving the regeneration aspirations for Althorpe Street as identified at Paragraph 3.90 of the Local Plan and supported by the "Creative Quarter Big Picture" SPG.

The proposal is therefore considered to be in accordance with Policy TC12 of the Local Plan.

Housing

Policy RLS1 of the NDP states that proposals for new housing development within the Royal Leamington Spa Urban Area consisting of proposals for purpose-built student accommodation 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 or 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) to (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.

The total number of existing HMO's within a 100m radius is 27, which when assessed against the 97 private properties within the 100 metre radius gives an existing concentration percentage of 27.84% of total units.

The development proposes a range of unit types. In terms of HMO's or Cluster Flats with shared facilities such as kitchen etc, an additional 18 are proposed (10 x 5 bed and 8 x 6 bed) which would increase the number within a 100m radius to 45.

Alongside the HMO's, the site also has a significant number of self-contained studio apartments. Having reviewed the scheme layout, it is noted that there are a total of 230 self-contained units provided. Whilst some of these units share a lounge area within the unit, all day to day facilities are self-contained. Having reassessed this factor, it is noted that these units would not be considered as HMO's. When the additional 230 self-contained units is taken into consideration, the overall percentage concentration of HMO's reduces from the existing 27.84% to 13.04%.

However, in making the assessment of the above, it is noted that the occupation of the upper floors of the development is proposed to be solely students only. Therefore, the use of the percentage does not fit comfortably with this form of Purpose Built Accommodation. Therefore, whilst there is a perception in percentage terms that the scheme represents a betterment, the development as Purpose Built Student Accommodation would not be a true representation of this.

In this respect, 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 Local Plan 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 Policy H6 states that since one of the main problems with HMOs is 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 Althorpe Street, which is not an A or B road. Althorpe Street is primarily a commercial/industrial area but the street does contain the existing student accommodation blocks known as The Union in close proximity to the proposed premises. Students travelling to and from the town centre would pass this development when accessing onto High Street.

However, there are no settled residents on Althorpe Street that would be affected by the proposal. In terms of the potential disturbance, it would be likely that students would be subject to similar patterns of movement to those located within the new blocks and having reviewed the proposal, Officers consider that the potential impact on the residential amenity of other students would not be adversely affected.

In coming to this conclusion, which is different to that reached on the 2019 application, Officers have had regard to the appeal on the site at Wise Street where an Inspector made it clear when allowing that appeal, the issue regarding whether the proposal is likely to cause harm and disturbance, this was considered against "settled residents" and as there were no settled residents on Wise Street between the appeal premises and the main thoroughfare of High Street, this met the requirements of Policy H6.

Directly opposite the junction of Althorpe Street is George Street which is a predominantly residential street. Whilst there are alternative routes to the Town Centre, it is noted that the route along George Street does have the potential to provide a route to the Town Centre. On this basis, should this route become well used by occupants of the site, the proposal has the potential to result in harm to the residential amenity of the settled residents occupying the established properties on George Street.

To mitigate the potential impact of this, the proposed Section 106 Agreement requires a contribution towards Highway Improvement works which will include clear sign-posting of the routes from the site to the Town Centre in order to direct users of the site along commercial streets to seek to minimise the impact on residents of nearby residential streets. In addition, occupants also have the option of utilising the canal tow path to access onto Clemens Street directly.

Subject to the required mitigation works being secured through the Section 106 Agreement, the proposed development is considered to meet the objective of Policy H6 of the Local Plan.

The management of the student accommodation

A robust and detailed Management Plan has been submitted with the application provided by a specialist student accommodation management company. The statement sets out how the development will be managed in the short and longer terms. The principle issues that it addresses are summarised below.

Site Management

The document states that the development will be managed 24 hours a day, 7 days a week. The development will have a dedicated team comprising a full time Site Manager and Customer Service Assistant together with additional part time staff. In addition, night time security will be provided by security staff as well as Student Ambassadors.

The Management Plan sets out precisely the nature of the duties the team will be responsible for carrying out on a daily and weekly basis, including, for example:

- Providing contact between management, students and the local community.
- Ensuring any complaints from local residents (or students) are dealt with promptly.
- Ensuring that moving in and out days are managed to minimise disruption.
- Ensuring high standards of maintenance.
- Ensuring all planning conditions are being complied with.
- Carrying out regular patrols of the development,

The Tenancy Agreement

Each student will sign a Tenancy Agreement which binds them to rules and codes of conduct during their stay at the development. Where there is any breach reported of the agreement, escalating levels of enforcement are proposed which would include deductions from their deposits, written and final warning and ultimately expulsion from the development. Examples of such breaches might include damage to the property, either internally or externally, incidents of noise, disturbance, nuisance or disruption, breaking the curfew and breaching the strict parking requirements and restrictions.

Management of students moving in and out

This process will be managed over an extended period of time each academic year to ensure there is not an over concentration of people arriving at/leaving the site simultaneously. An example as to how this would work is by holding the moving in process over 3 to 4 days each academic year and staggering arrivals by advising each student of a date and time to take up occupancy of their room. If those times are not followed by students, the management company will reserve the right to refuse access.

In terms of moving out, it is acknowledged that students will leave at different times of the academic year and the site will operate a flexible booking policy rather than a fixed term agreement. This will naturally allow for a staggered process of moving out. Notwithstanding this, the main moving out period will be managed by the on-site staff to minimise congestion.

Controlling car use

The student accommodation is to be a non-parking site other than registered blue badge holders. It will be a condition of the tenancy that students are not able to bring their own cars, which will be routinely monitored by the management company and where necessary, a parking enforcement company. Ultimately, students parking on the site would be punishable by termination of the letting agreement. All residents would be clearly made aware of the parking situation on the site and it is considered that the development would be unlikely to be particularly attractive to those for whom car parking is a necessary requirement.

As part of their Tenancy Agreement, all students will be prohibited from applying for an on-street parking permit. The management team will monitor and ensure students are complying with the parking declaration and it is envisaged this would be monitored through a number of means, all of which are explicitly set out within the Management Plan. Examples including investigating any complaints or breaches of the parking declaration by monitoring the vehicle in question and monitoring student activity by on site managers through regular patrols around the area.

Security, noise and antisocial behaviour

Security will be monitored through CCTV and an on-site presence throughout the night. Out of hours CCTV is to be monitored remotely.

The Management Plan sets out how the management team will control security, noise and any episodes of anti-social behaviour. The tenancy agreements are also proposed to set out the expected standards of the residents of the site and ultimately has the ability to cancel the agreement should the standards not be achieved.

Other matters

The Management Plan deals also with refuse and repairs and concludes with a section regarding the neighbourhood and local community. In this final section, the Plan states that the Management Team will actively seek to engage with local tenants and residents associations and community organisations.

The amenity areas would be managed by the dedicated on site management team. CCTV cameras covering this area as well as around the perimeter of the building would increase surveillance of students in and around the development.

Officers are of the opinion that the submitted Management Plan is sufficiently detailed and robust to provide the necessary assurances in an open and transparent manner that the relevant management team will actively monitor and enforce the provisions set out therein. The submitted Management Plan would form a key part of any permission which may be forthcoming for this development and accordingly, it is appropriate to secure its content within the Section 106 Agreement to ensure it can be fully enforced.

Design and impact on visual amenity and the character of surrounding area and impact on the 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.

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.

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

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.

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.

In terms of the design of the proposal, the earlier schemes proposed three very modern buildings with the use of silver off-set cladding for the external finish above a predominantly glazed ground floor. These buildings were a uniform, 4 storeys in height. It is noted that this design did not form part of the earlier reasons for refusal.

The existing building flanking the canalside is a fairly low profile, modern building that offers little to the setting of the Canal Corridor and wider Canal Conservation Area. The buildings have been designed in a very utilitarian form and design character is very minimal.

The scheme put forward in this application has revised the external appearance of the buildings to a more traditional canalside form of development, akin to the design ethos used in the adjacent Union Building with the use of traditional red brick and high levels of window openings. The canalside building (Block C) has a strong sense of rhythm of fenestration facing the canal with well proportioned windows set into a grid pattern to complement the character of the adjacent Union Building. The building is also set with differing storey and roof heights to offer visual interest both along the canalside and within the site.

The use of traditional brick and uniform window patterns gives a canalside warehouse appearance to the buildings with the differing roof and storey heights breaks up what is clearly a substantial building on the site.

The Conservation Officer has voiced concern over the increased height of the buildings and has recommended that it should be no more than 4 storeys to match the existing Union building. In Officers, opinion, the use of differing storey and roof heights also means that the roofscape along the canalside is not one single uniform height extending from the Union Building. This ensures that bulk and mass of the building is broken up and viewed in parts rather than one continuous span of building.

It is also noted from the Creative Quarter documents that providing a range of building heights is an aspiration of the redevelopment of the area. In this location the impact on the increased height is limited whilst provided a focal point for access to the site from the land to the south.

The proposal requires the removal of trees on the canalside to facilitate the development. The Arboricultural Officer has considered the proposal and has noted that the arboricultural information provided is comprehensive and has been well analysed by ACD Environmental in their tree survey, and impact assessment and method statement reports, and in addition, their plans are clear and well detailed.

The reports detail a number of tree losses along the canal to allow for a retaining wall to be demolished, the photographs of the trees in the Landscape Strategy reinforce the impression in the tree reports that they are present in quantity rather than quality. The landscape strategy shows that those boundary trees will be replaced with nursery grown material carefully sited so as to not to overwhelm and block the windows of the new facade. Subject to a condition securing all works to be carried out in accordance with the tree report, no objection is raised to the development.

Overall, the regeneration of this partially canal-side site, in itself is considered to result in considerable benefits to the character of the surrounding area particularly in visual terms arising from the removal of the utilitarian commercial buildings and redevelopment with a building of high quality bespoke design which is appropriate within the surrounding area.

The scheme has the additional benefit of opening up and improving the link to the public open space on the far side of the canal which is accessed via the existing footbridge over the canal.

Overall, Officers consider that the scheme is acceptable having regard to Policies BE1 and HE1 of the Local 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 site lies in a predominantly commercial area with no near residential uses that would be directly affected by the scale and mass of the buildings.

Officers are satisfied that the development would not result in harm to adjacent properties and is therefore considered to be in accordance with 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.

The ground floor of the development would be for commercial offices purposes and Officers are satisfied that there would be no issues of amenity for the future occupiers of this space as it is akin to any other office use within a commercial area.

In terms of room sizes, the accommodation is standard for student accommodation. Whilst the rooms are modest in size, they provide all the requirements for day to living which is also supplemented with a variety of break out spaces including private lounges for the "Club Studios". In addition to these spaces, various communal spaces are also available for use by students including a large amenity area to Block C at first floor level. Adjacent to this area are also rooms for private dining and a study room. On the top floor of Block C, a "sky lounge" is also proposed that leads out onto a roof terrace area offering further shared amenity space.

Due to the proximity of the site to a number of noise sources, the proposal has been assessed by the Environmental Health Officer (EHO). Various potential noise sources have been identified including the retained commercial uses on Althorpe Street, the railway line viaduct adjacent to Blocks A and B as well as the Rangemaster site on the opposite side of the Canal where it faces onto Block C.

The EHO has identified a number of specific areas and factors where the noise levels are higher and would exceed the internal noise guidelines recommended by BS8233: 2014 and the World Health Organization (WHO) guidelines for community noise (1999) during both the day and night time periods if residents decide to open their windows for ventilation or cooling.

Where closed windows are required, the noise planning practice guidance (N-PPG) (2019) suggests that adverse noise impacts can be partially off-set if residents have access to a quieter façade where windows can be open, have access to a quiet private outdoor amenity space, or have access to a quiet shared outdoor amenity space. The NPPG also suggests that access to a nearby public open space can partially off-set adverse noise impacts.

As part of the assessment, the Officer has raised concerns over the noise mitigation strategy insofar as many of the noise sources require the use of closed windows to adequately mitigated the identified noise sources. In order to provide acceptable living conditions, a mechanical ventilation system is proposed to provide fresh air to the future occupants. The EPO has raised some concern about this methodology as it does result in a reliance of windows being closed which has the potential to reduce the amenity of future occupiers.

It is not proposed for the development to have a sealed window approach and all rooms will be provided with openable windows to allow the occupants a choice. Where windows are openable, it is acknowledged that the occupant will be subject to increase noise levels above the relevant guidelines.

The glazing and ventilation measures proposed by the applicant would mitigate the adverse noise impacts experienced by future residential site users if they had their windows open for cooling and ventilation purposes and would achieve a technical solution to the noise impacts in accordance with applicable guidance (i.e. it will achieve the necessary internal decibel levels to provide an acceptable internal noise environment).

Noise guidance, however, does not provide information on the wider planning considerations such as standards of amenity, general living environment, and the suitable use of land.

The potential adverse noise impacts from the commercial units located north of Block C also present a concern in terms of the future viability of those businesses. Whilst transportation noise does not fall under the statutory nuisance regime, commercial noise does. This means that if residents choose to open their windows and are aggrieved by noise from the commercial units, they could make a complaint to the district council and initiate a noise nuisance investigation.

A common definition of a statutory nuisance is whether a specific activity is unreasonably and substantially interfering with the use or enjoyment of a home or other premises. However, there is currently an absence of case law on whether statutory nuisances should be assessed whilst windows are closed if that is how the building was designed.

In conclusion, the EHO has stated that whilst a technical solution has been provided, there is a question whether the reliance on closed windows and alternative ventilation for large parts of the day and night time provides a high standard of amenity and acceptable living standards for future residential occupiers in line with the principles of the National Planning Policy Framework (NPPF) (2021).

Officers have considered this approach and clearly acknowledge this concern. It is a subjective approach and in assessing this, Officers note that the technical solution does achieve the required mitigation. The use of openable windows does also allow future occupants the choice of ventilation should it be required. This does allow freedom for occupiers.

In coming to a judgement on this case, Officers have had regard to the position of The Union that sits to the immediate west of the application site and has operated in similar conditions to the proposed development without any identifiable concerns being raised.

Taking into account the other factors associated with the development such as providing a new development on an area earmarked for regeneration whilst retaining commercial floorspace on an allocated site. The wider benefits also include providing an improved access and egress to and from the canal corridor from the site which is currently not very well presented. In addition to this, the provision of dedicated student accommodation has the potential to reduce pressure on existing HMO's which

could have a benefit to existing communities. Whilst there is no firm evidence to demonstrate this, it is clear that occupancy rates in existing PBSA's are high and there is a demand for this form of development.

Taking the above factors into consideration, Officers consider that on balance, the development is acceptable having regard to Policy BE3.

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 existing site benefits from limited formal parking areas and the majority of day to day parking is on the pavement or edge of the highway carriageway. The type of businesses currently located within the area are predominantly car repair and other associated businesses that have a high demand for parking in the area.

The proposed development is to provide 7 dedicated off-street parking spaces for the scheme consisting of 3 disabled parking bays, 2 staff parking bays, a car club parking bay and a visitor bay. The development is proposed to be car-free and this will be secured through management plans secured through the Section 106 Agreement that will demonstrate how this will be enforced.

The Parking Standards SPD acknowledges that there is flexibility in the standards and a lower provision may be acceptable where the development is located in an area that is demonstrably accessible by alternative modes of transport. One of the examples of these areas is given as the Town Centre of Leamington Spa. In support of the level of parking proposed, the application has been submitted with a detailed Transport Statement. This document sets out that the site is highly accessible from the town centre and there are a number of bus services that run in close proximity of the site.

In addition the scheme is proposing a minimum of 100 cycle parking spaces across the site to serve the student accommodation and the commercial uses. The edge of town centre location and the existing site connectivity from the surrounding area is such that the site is considered to be acceptable.

The site will benefit from internal cycle parking to each block to allow for secure cycle storage for occupiers of the development.

As part of the consideration of the development as car-free, the County Highways Officer has recommended that existing parking along Althorpe Street is addressed

through parking restrictions on Althorpe Street being extended and effectively managed. In order to do this, a Section 106 request of £20,000 has been requested to carry out the proposed works.

In addition to the works to address car parking issues, the proposal also seeks to secure footpath improvements along Althorpe Street. These are in the form of informative signage preventing cars parking on the footpath, improved crossing points and additional directional signage to ease navigation by pedestrians from the site to the Town Centre. The proposed works have been agreed by the County Highways Officer and will be secured through the Section 106 Agreement.

As part of the scheme it is also noted that a section of the current public highway is to be stopped up and transferred into private use. This would be subject to a separate legal process and would not form part of the current consideration of the development.

Concern has been raised regarding the provision of a Parking Survey that did not comply with the requirements of the Car Parking SPD document that sets out the requirements for carrying out Residential Parking surveys.

Following discussions with the County Highways Officer, it is noted that whilst the survey was carried out on a single day, it was provided to demonstrate a typical day of parking within the industrial estate. The parking situation was monitored in 2 hour intervals across the day from 5am to 9pm providing a demonstration of the commercial nature of the site.

There are no resident parking areas within the vicinity of the site. In this respect, it is noted that the requirements of the survey are fundamentally different to the normal survey work carried out for residential schemes in existing residential areas. The parking needs located within the vicinity of this development are not comparable with existing residential areas and the demand for parking in Althorpe Street is for commercial traffic during the day.

As noted, the site is to be operated as a car-free development with monitoring in place to prevent ad hoc parking in the wider area and it will be a stipulation of the contract for the accommodation that students cannot have cars whilst occupying the site.

Having considered this aspect, it is noted that similar sites operate in the same way with limited parking at the Union Building and Station House together with proposed PBSA accommodation coming forwards on Wise Street and Wise Terrace. The use of the management plan secured through the S106 Agreement will ensure that the requirements of the car free strategy are met and if situations arise where there are breaches of this agreement, the S106 allows far greater powers of enforcement and regularisation.

Subject to the required contributions and wider highways works proposed together with the use of a management plan to restrict parking, Officers are satisfied that the development is 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 County Ecologist raised concern regarding the potential for biodiversity loss at the site. In considering this element, Officers note that the site does not benefit from any form of soft landscaping other than the existing tree belt to the site boundary with the canal.

The proposed development is to provide enhancements to the area in terms of the green space as well as providing the canalside building with additional and replacement planting. In this respect, Officers are satisfied that the proposal would not result in a biodiversity loss.

The Ecologist has also recommended a range of conditions to ensure that the development provides for protected species including details of bat boxes, a bat lighting note together with a Construction Environmental Management Plan and a combined Ecological and Landscaping condition.

Drainage

Policy RLS1 of the NDP states that development proposals for previously developed land, where appropriate, should undertake a surface water outfall assessment, following the Drainage Hierarchy (National Planning Practice Guidance , paragraph 80) to determine if there are viable alternatives to existing connections to the combined sewer network.

The Lead Local Flood Authority (LLFA) has considered the submitted details and in the first instance, raised an objection seeking additional information. The applicants drainage consultant has engaged with the LLFA to provide a solution to overcome this objection through the submission of additional information relating to the drainage of the scheme.

Following the receipt of the additional information, the LLFA confirmed that there is no objection to the proposal subject to a condition which requires the submission of a detailed surface water drainage scheme based on sustainable drainage principles, the approved FRA and an assessment of the hydrological and hydrogeological context of the development.

Accordingly, officers consider the development accords with Policy FW1 of the Local Plan.

Other Matters

Sustainability

Policy CC3 of the Local Plan requires all non-residential development over 1000 sq. m is required to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent), unless it can be demonstrated that it is financially unviable or a suitable alternative sustainability strategy is proposed and agreed with the Council.

A BREEAM Pre-assessment report was submitted as part of the application for both elements of the development; the ground floor commercial use and the student accommodation. The assessment was carried out by qualified BREEAM assessors and sets out how the development will achieve the "very good" standard as required by Policy CC3.

The reports identified a range of sustainable measures in accordance with the BREEAM assessment criteria have been put forward by the applicants as part of their application submission and these measures have achieved a score of 64.7% for the commercial element and 65.34% for the student element. The threshold for the "very good standard is between 55% and 70% so the development will comfortably achieve the very good standard.

The development would be subject to a condition securing these standards through the course of the development to ensure that the "very good" standard is achieved within the final build.

The proposal also included an energy statement setting out sustainable design features including a combination of demand reduction, energy efficiency measures and the inclusion of PV panels and air source heat pumps to the roofs of the buildings. This approach has enabled the projected Carbon emissions to be 14.94% less than the Target Emissions Rating permitted by Building Regulations.

Officers are satisfied that the development is in accordance with Policy CC3 of the Local Plan.

Contaminated land and environmental health impacts

A number of surveys and ground investigations.

These have been fully considered by the Environmental Health Officer (EHO) who has 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.

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

Waste Storage

The Waste Management Officer has raised concerns with the scale of the proposed development and the number of occupants for whom it is intended together with access to the site for bin collections. The applicants intend to provide a private waste service. However, should this contract not be forthcoming, the Council would need to provide an appropriate service to the site. On this basis, Officers consider that it would be appropriate to secure a waste management strategy that details the methodology for the storage and collection of waste with an appropriate contingency plan. This would need to be secured by condition.

Open Space

Policy HS4 seeks contributions from residential (and commercial) developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs.

As the proposed development has the potential to result in increased use of local open spaces, an off-site contribution is proposed to mitigate for this impact. The Open Space team are considering this element and the figures will be provided within the update sheet for Members.

Public Safety/CCTV

The WDC Community Protection Officer has noted that the scheme has the potential to affect the existing CCTV coverage of the area which is a key element for the prevention and detection of crime within the area. Concern has been raised regarding the potential loss of these cameras and the effect that would have on public safety and security.

In light of this, whilst Officers note that the proposed scheme would result in the increased natural surveillance in the area due to the active nature of the proposals, Officers still consider that it is appropriate to provide a condition to secure appropriate replacement camera coverage to the satisfaction of the Community Protection Team to ensure that the vital coverage within the area is not affected as a result of the development. This can be secured via an appropriate pre-commencement condition that requires the details of the scheme to be submitted and thereafter installed to ensure no loss of coverage.

Section 106 Agreement

The proposal will be subject to a Section 106 Agreement to secure the following;

- Off-Site Open Space Improvements Contribution - £tbc.
- Highways Improvements Contribution – £20,000.
- To secure implementation and operation of Management Plans
- To secure highway improvement works to be carried out under Section 278

Conclusion

The proposed development has been considered by Officers as being in accordance with Policy TC12 of the Local Plan which seeks to retain commercial uses on existing Town Centre Employment Sites. The scheme has also been assessed against Policy H6 of the Local Plan and subject to conditions is considered to comply with the requirements of the Policy.

An assessment has been made of the site specific criteria in terms of the design and impact of the proposal and subject to appropriate conditions is considered acceptable.

The proposal is also subject to a Section 106 Agreement to secure a range of contributions together with management plans of both the student and commercial elements of the scheme to ensure that the sites are operated as a car free development.

For the above reasons set out within the body of this report, Officers recommend that planning permission is GRANTED subject to the signing of the required Section 106 Agreement.

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) 101-127-AR-201 Block A Level 00 Plan Rev P08, 101-127-AR-202 Block A Levels 01-04 Plan Rev P08, 101-127-AR-203 Block A Roof Plan Rev P03, 101-127-AR-204 Block A S&W Elevations Rev P02, 101-127-AR-205 Block A N&E Elevations Rev P02, 101-127-AR-301 Block B Level 00 Plan Rev P09, 101-127-AR-302 Block B Levels 01-04 Plan Rev P07, 101-127-AR-303 Block B Level 05 Plan Rev P07, 101-127-AR-304 Block B Roof Plan Rev P03, 101-127-AR-305 Block B SW&SE Elevation Rev P02, 101-127-AR-306 Block B NE&NW Elevation Rev P03, 101-127-AR-401 Block C Level 00 Plan Rev P09, 101-127-AR-402 Block C Level 01 Plan Rev P08, 101-127-AR-403 Block C Levels 02-04 Rev P08, 101-

127-AR-404 Block C Level 05 Plan Rev P09, 101-127-AR-405 Block C Roof Plan Rev P03, 101-127-AR-406 Block C S&E Elevation Rev P02, 101-127-AR-407 Block C N&W Elevation Rev P02, 101-127-AR-409 Proposed Site Sections, 0299-BDL-XX-XX-DR-L-0801-P05, 0299-BDL-XX-XX-DR-L-0802-P02, 0299-BDL-XX-XX-DR-L-0803-P02, 31328/AC/002, 31328/AC/003 Rev C, 101-127-AR-100 Proposed Demolition Plan, 101-127-AR-101 Proposed Site Plan Rev P11, 101-127-AR-102 Proposed First Floor Site Plan Rev P02, 101-127-AR-103 Proposed Site/Context Elevation, 101-127-AR-104 Proposed Level 02-04 Site Plan, 101-127-AR-105 Proposed Fifth Floor Site Plan, 101-127-AR-106 Proposed Roof Site Plan, PR123666-01 and PR123666-03, and specification contained therein, submitted on 20 May 2022.

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 No development above slab level shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall 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.

- 4 No part of the development hereby permitted shall be commenced until details of both hard and soft landscaping works 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 any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates and including the design, materials and finishes of all railings adjacent to the canal towpath; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of 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 development hereby permitted. Details of soft landscaping works shall include full details and specifications of all proposed planting; and a soft landscaping scheme for the southern boundary of the application site adjacent to the Grand Union Canal shall include details of the size, species and spacing of any planting, any areas to be grassed, the treatment and finish of all hardsurfaced areas, together with a timetable for implementation of the scheme, and a long-term management plan. 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 the same size and species as that originally planted. 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 ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3, NE4 and NE7 of the Warwick District Local Plan 2011-2029.

5 No development shall take place until a detailed surface water drainage scheme for the site, based on the sustainable drainage principles set out in the surface water drainage strategy to date, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 2l/s for the site in line with the approved surface water drainage strategy (P450881-WW-XX-00-DR-C-1002 Rev P3).

2. Provide detail drawings including cross sections, of proposed features such as attenuation features, and outfall structures. These should be feature-specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

3. Provide the results of the survey work being carried out by STW to ensure the site is discharging to the highest point in the drainage hierarchy as is possible.

4. Provide clarifications over the exact areas of the blue roofs and the associated hydraulic calculations.

5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.

- b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
- c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
- d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.

6. Provide plans such as external levels plans, supporting the exceedance and overland flow routeing provided to date. Such overland flow routing should:

- a. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
- b. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
- c. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

- 6 No part of the development hereby permitted shall commence on site until a Ground Investigation Strategy has been submitted to and approved in writing by the Local Planning Authority. A report of the investigation and its findings together with recommendations for remediation shall be submitted to and approved in writing by the Local Planning Authority, and the means of validation (proving remediation) shall be approved by the Local Planning Authority. The approved remediation work shall thereafter be carried out in full. Upon completion of approved remediation work a report of that work and the validation shall be presented to the Local Planning Authority and approved in writing before development commences. In the event that unforeseen contamination is unearthed during the site clearance or construction work an immediate investigation shall be carried out by a competent person to determine the nature and extent of that contamination, a report of the investigation and proposals for remediation to be submitted to the local authority for approval and the approved remediation shall be implemented in full.

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

8 No part of the development hereby permitted shall commence until a Demolition Management/Site Clearance Plan together with a Construction Management Plan (including a phasing plan identifying suitable areas for the parking of contractors and visitors, the unloading and storage of materials and details to prevent mud and debris on the public highway) has been submitted to and approved in writing by the Local Planning Authority. The approved Plan(s) shall be strictly adhered to throughout the construction period and shall include and make provisions for the following:-

Noise

- Work which is likely to give rise to noise off-site is restricted to the following hours: -

Mon-Fri 8 am - 4 pm,

Sat 8am -1pm,

No working Sundays or Bank Holidays.

- Delivery vehicles are not allowed to arrive on site

Mon – Fri before 8am or after 4.30 pm

Sat before 8am or after 1 pm

No deliveries on Sundays or Bank Holidays.

- Delivery vehicles are not be permitted to wait outside the construction site before the site is open for working.
- Best practicable means shall be employed at all times to control noise. The Contractor shall employ the best practicable means to reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites'.
- Without prejudice to the generality of the Contractor's obligations imposed by the above statement, the following shall apply:-
- All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.
- All compressors shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.
- Whenever possible only electrically-powered plant and equipment shall be used.
- Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.

- All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

Dust

- Unloading shall only take place within the site itself.
- Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions damping down of road surfaces should be carried out to control dust. a vehicle wheel wash will be provided to minimize carry-over to the highway.
- On-site dust shall be controlled by use of “best practicable means” to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

Smoke

- There shall be no burning on site

Light

- External work lighting, flood lighting, security lights must not cause light nuisance to neighbouring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.
- Other measures may be necessary to prevent nuisance subject to the nature of the construction work.

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, TR4 and NE5 of the Warwick District Local Plan 2011-2029.

- 9 No part of the development hereby permitted (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 District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 10 No part of the development hereby permitted (including ground clearance works) shall commence until a protected species method statement for reptiles, amphibians and nesting birds (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full.

REASON: To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 11 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

REASON: To ensure a net biodiversity gain in accordance with NPPF.

- 12 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:

- iii. 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);
- iv. 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 safeguard the environment and in the interests of the structural integrity of the waterway and to ensure the proposed works do not have any adverse impact on the safety or amenities of waterway users and the integrity of the Grand Union Canal in accordance with Policies BE1, NE3, NE5 and NE7 of the adopted Warwick District Local Plan 2011-2029 and the guidance contained in Paragraphs 120-121 of the National Planning Policy Framework.

13 No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment (P450881-WW-XX-XX-RP-C-0002) has been submitted in writing by a suitably qualified independent drainage engineer and approved in writing by the Local Planning Authority. The details shall include:

1. Demonstration that any departure from the agreed design is in keeping with the approved principles.
2. Any As-Built Drawings and accompanying photos
3. Results of any performance testing undertaken as a part of the application process (if required / necessary)
4. Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
5. Confirmation that the system is free from defects, damage and foreign objects

Reason: To secure the satisfactory drainage of the site in accordance with the agreed strategy in accordance with the NPPF and Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

14 No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should;

1. Provide the name of the party responsible, including contact name, address, email address and phone number
2. Include plans showing the locations of features requiring maintenance and how these should be accessed.
3. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development.
4. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

Reason: To ensure the future maintenance of the sustainable drainage structures in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

15 No part of the development hereby permitted shall commence on site 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 which could adversely affect the structural integrity of the adjacent Grand Union Canal and towpath in accordance with the provisions of paragraphs 120-121 of the NPPF and Policy NE7 of the Warwick District Local Plan 2011-2029.

- 16 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.

- 17 The development hereby permitted shall not be occupied until a detailed external lighting scheme for the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme should avoid illuminating the canal in order to reduce adverse impacts on emerging and foraging bats and other nocturnal wildlife and on the occupiers of boats moored adjacent to the site. The approved lighting shall be installed, maintained and operated in strict accordance with the approved scheme at all times thereafter and no lighting shall be installed other than that contained in the approved scheme.

REASON: To ensure that any external lighting is designed to ensure that adverse impacts on the adjacent Grand Union Canal and any wildlife using or supported by the canal, and boaters mooring on the canal, are avoided and to accord with Policies NE5 and NE7 of the adopted Warwick District Local Plan 2011- 2029.

- 18 The development hereby permitted shall not be occupied until the pedestrian and vehicular access to the site, and parking and manoeuvring areas of the site have been laid out in accordance with the approved drawings. All parts of the existing accesses to the site within the public highway not included in the permitted means of access shall be closed and the kerb and footway shall be reinstated in accordance with the standard specification of the Highway Authority. The external areas of the site shall thereafter be maintained in accordance with the approved drawing.

REASON: In the interests of vehicle and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 19 The access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

REASON: In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 20 The development hereby permitted shall not be occupied until the public highway Althorpe Street has been improved so as to provide for improved pedestrian facilities between the application site and A425 High Street in accordance with a scheme approved in writing by the local Planning Authority in consultation with the Highway Authority.

REASON: In the interests of vehicle and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

- 21 The development hereby permitted shall be undertaken in full accordance with details and methodologies set out in the Breeam Pre Assessment reports submitted with this application on (insert date) and the measures identified therein shall be retained in perpetuity.

Reason: To ensure the creation of well-designed and sustainable buildings and in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).
