

Planning Committee: 09 January 2018

Item Number: 5

Application No: [W 17 / 1614](#)

Town/Parish Council: Leamington Spa
Case Officer: Lucy Hammond

Registration Date: 25/09/17
Expiry Date: 25/12/17

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19-21 Wise Street, Leamington Spa, CV31 3AP

Demolition of the existing scrapyard & commercial unit and erection of a four-storey building and basement, comprising residential student accommodation with associated amenity facility, parking and landscaping (amended scheme following the withdrawal of application no. W17/0118) FOR Mr & Mrs McGee

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 are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the provision and implementation of a Green Travel Plan and Management Plan along with financial contributions in relation to improvements to open space and the canal towpath.

Should a satisfactory Section 106 Agreement not have been completed by 6 February 2018, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal make inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the demolition of the existing scrapyard and adjacent buildings and the construction of a new building, four storeys in height plus a basement, that would provide purpose built student accommodation which is primarily intended as a non-parking scheme.

The building would provide a self-contained student residential development comprising 200 bed spaces with en-suite facilities split into apartments, studio apartments and penthouses totalling 48 units (or 'cluster flats'). A communal kitchen, dining and living area is proposed within each apartment which would essentially be self-contained and dependent on no other part of the building for occupiers to be able to live. The largest flat would have eight bedrooms, each with their own self-contained shared kitchen and dining facilities in the same way as the smaller flats, and part of the development also includes studio flats.

The proposal also includes an amenity facility building. This would be detached from the main residential block and would be positioned in the north eastern corner of the site. This would be a two storey building, with the entrance foyer and toilet downstairs (with parking spaces on either side) with access to the first

floor leading to shared community space that residents can use for a number of different purposes.

The building has been designed to optimally maximise the unusual and constrained shape and layout of the site and would provide the longest continual elevation fronting onto the Grand Union Canal on the south side. The Wise Street fronting elevation has been designed to architecturally reflect the existing residential character of Wise Street, while the canal-side fronting elevation echoes more of an industrial appearance, reflecting the historical origins of canal fronting development. Facing Wise Terrace, the end elevation of the building contains inset balconies on both corners as well as an inset roof level, with large expanses of glazing to provide as much architectural interest and visual breaks in the continuity of the building.

The building has been designed to incorporate mostly parking and amenity space on the lower ground floor. A total of 33 parking spaces are proposed, intended only for particular students who satisfy relevant circumstances and who purchase an annual permit and these would be spread across the lower ground floor between some residential accommodation which is proposed at either end of the site. Other facilities located on the lower ground floor at the western end of the site include the security/warden's office, reception area, central hub amenity facility and a plant room. The rest of the residential accommodation is proposed over the first, second and third floors with a roof top level which would be inset from the rest of the building.

The submitted Design and Access Statement sets out that a contemporary design approach has been taken to the development, using predominantly facing brickwork facade and full length windows, reminiscent of an industrial warehouse aesthetic. A lightweight room in the roof construction is set back from the main external structure, providing the opportunity for roof terraced gardens to penthouses and studio apartments and reducing the scale of the development.

The Design and Access Statement also sets out that native species planting would be introduced to the back of the towpath to reinforce the wildlife corridor along the Grand Union Canal towpath. Red facing brickwork matches similar development which reflects approaches adopted during the Regency period and creates a canal side warehouse style, with communal dining; kitchens and living rooms with external glazed balconies overlook the Canal to reinforce the life on the Canal towpath.

To Wise Street, the elevation has been designed with a residential philosophy incorporating casement windows. All doors and windows are to be dark grey polyester powder coated aluminium. Lastly, to ensure the proposals do not impose or are overbearing to adjacent properties it is intended to retain the existing ground level difference of approximately 1.2m below the Grand Union Canal towpath. This maintains the already established ridge height to adjacent residential apartments to the south west of the site.

The submitted Management Plan document which seeks to control and manage the development in the long term, addresses the following matters:-

- The daytime and out of hours management of the development.
- The conditions and details of the Tenancy Agreement in order to ensure that occupants of the building are managed appropriately.

- The control and management of car use within and around the site.
- The management of behaviour, particularly with regard to evening curfews and any incidents of noise, disturbance or anti-social behaviour which may ultimately result in the expulsion of residents who break the rules of their tenancy agreement.
- Refuse, repairs and provisions about health and safety, and
- Engagement and liaison with residents associations, neighbours and local residents.

THE SITE AND ITS LOCATION

The application site extends to approximately 0.27ha and is located to the south of Wise Street. The majority of the site is a scrap metal yard called 'Mercia Metals' which has occupied this site for some twenty years. The site comprises areas of hardstanding and tarmac together with a two storey office building with an adjacent industrial building which has a single storey section and a taller building with a large open door for plant to enter. It is used for scrap metal and processing. The remaining eastern part of the site is currently used by Simclick Floors, a bathroom and kitchen floor specialist trade supplier.

The majority of Wise Street and Wise Terrace (to the west of the site) have been regenerated from commercial to residential uses. Wise Street is predominantly in residential use with the exception of the existing scrap yard and a substation to the north of the site. Vehicle access to the site is gained to the north, off High Street, which leads into Wise Street which is a no-through road.

The Grand Union Canal and towpath adjoin the southern boundary of the site, Simclick Floors is a small retail/industrial unit to the east and residential/student accommodation is predominantly situated to the north-west (Wise Terrace) and north-east.

The site is close to the town centre of Leamington Spa, being within reasonable walking distance from the shops, services and other facilities. The town centre is approximately 650m away to the north, while the rail station is approximately 250m away to the north west. The site is also within 90m of bus stops located on the High Street where the Stagecoach bus services U1, U2, NU2 and X17 provide frequent services every day to the University of Warwick campus, with a travel time of approximately 40 minutes.

PLANNING HISTORY

There are a number of previous schemes noted within the planning history for the site, but it is noted these were mostly withdrawn before validation and therefore never reached the stage of being assessed by officers.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)

- DS17 - Supporting Canalside Regeneration and Enhancement (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- NE7 - Use of Waterways (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection for the following reasons:

- This application, if granted, breaches Policy H6 considerably at 31.7%.
- Adding this large HMO in this location will inevitably impact negatively on local amenity.
- There is an increasing imbalance in the make-up of the local population in this area and the effects of ever increasing student numbers in HMO's here (e.g. noise, waste, ASB and empty properties during the summer) are causing the living conditions of the rest of the community to be affected deleteriously.

- This should not be allowed to continue without check.

Councillor Naimo: Objection for the following reasons:

- The development is contrary to Policy H6
- The Task & Finish Group who looked at HMO's earlier in the year made a number of recommendations supported by Executive in June. Two recommendations in particular highlight a number of areas that should be fully considered in the context of this application;
- There is potential harm caused by over concentration of student accommodation including increase in traffic, on street parking, noise and waste issues
- Comments have been made by the Waste Management team about insufficient bin storage for this development; this needs to be addressed at design stage or it would be a failing of this development
- The development makes repeated mention of the 'Alumno' development but there are already failings in how that is being delivered, in particular in respect of refuse and car parking
- Policy H6 should cease to be the starting point for determining applications and should instead be applied fully in the way it was intended (ref. made to the development at 4a Wise Terrace)
- The over concentration of HMO's far exceeds the H6 policy of 10%; it is over 30%
- The site does not meet the exceptions set out in the policy; it is a predominantly residential area and not in a mixed use nor is it a main thoroughfare
- The Task & Finish Group support purpose built student accommodation (PBSAs) in principle, but these should be distributed across suitable district locations, not clustered together
- It has not yet been proven that PBSAs are taking the pressure of HMO conversions in Leamington and applications for these are still coming forward even within the Article 4 Direction area
- While the site is close to bus stops no account has been made of the capacity of the buses that service the area; an extra 200 students trying to catch buses at the same time would put pressure on an already over stretched service
- South Leamington Councillors receive regular complaints about the capacity of university buses, a further 200 students would apply additional pressure
- For students attending Warwick University the site's proximity to the train station is irrelevant since there is no station at the University campus
- There is already a parking problem in this part of South Leamington. Whether students are allowed to bring cars to the development or not there will be an increase in vehicles in this area
- The close proximity to the train station means that streets with unrestricted parking are full to capacity and some areas have problems with access for refuse and emergency vehicles due to cars parking on both sides of the road
- The Vehicle Parking Standards SPD is out of date and no longer suitable for the purposes of determining an application of this scale in this location
- From an economic point of view the argument that this is development of a prime canal side site is not strong enough to outweigh the above concerns; it is still contrary to H6
- The Mercia Metals business is still operating, as is the Simclick Flooring business which would be displaced
- This is not a derelict site unlike the case of the Alumno development
- There are still outstanding concerns from Environmental Health and Highways

- The applicant has failed to properly consult with the community, still referencing 'consultation' that took place over a year ago with no updated information since then

WCC Highways: No objections subject to conditions, notes and the completion of a legal agreement in respect of the management plan

Health and Community Protection (Environmental Sustainability): No objections subject to conditions

Lead Local Flood Authority: No objections subject to condition

Waste Management: No objections; recommendation made for minimum number of bins

WCC Ecology: No objections subject to conditions and notes

WCC Landscape: No objections subject to condition

Green Space Team: No objections; recommendation for financial contribution

Canal & River Trust: No objections subject to condition/financial contribution

Inland Waterways: No objections

Private Sector Housing: No objections

Police: No objections

CCTV: No objections

Conservation Advisory Forum: The size and massing of the development is considered to be excessive and over-dominant. A more positive relationship is needed between the new development and the canal towpath, possibly including setting the building back to create public space fronting the canal and it is recommended that a public route be provided through the site to the canal.

Public Response:

34 letters of objection received raising the following concerns:

- The development is contrary to Policy H6
- The number of HMO's (student accommodation) far exceeds 10%
- There is already an imbalance in local residents before this proposal goes ahead and this would lead to an over-intensification of student numbers
- The local area has a significant problem with fly-tipping, litter and car parking
- There would be insufficient car parking provision
- The development will increase pressure on already stressed transport services
- The development will lead to increased congestion and will be detrimental to highway safety
- The development will result in a disproportionately large building
- There will be harm caused to neighbouring amenity by reason of a loss of light, loss of privacy and loss of outlook to nearby properties
- This will lead to increased noise and anti-social behaviour
- The development is too large for the area

- The application fails to demonstrate that the proposal will not add to the potential for cumulative harm of HMOs in the area
- There is no significant evidence of material considerations to outweigh the harm
- The development is not compliant with the NPPF which requires Local Authorities to plan for a mix of housing
- This would lead to air quality problems and would exacerbate pollution in nearby streets
- There is no evidence that PBSA's will lead to the reversion of HMO's in town back to single dwellings
- This represents overdevelopment of the site
- Proposed parking management is not enforceable (reference made to the Alumno development where there is a similar problem)
- This is a predominantly residential area
- There are concerns regarding waste and recycling provision/collection details
- There is concern regarding the ability for emergency services vehicles to access/egress the site
- This development is too industrial for this canal-side location
- The development would result in the loss of a local business (Simclick Flooring)

Other non-material planning considerations were also raised. These are briefly summarised below:

- Reference is made to appeal decisions where PBSA's have been dismissed by the Inspector [Leeds and Durham]
- Further references made to other appeal decisions [Nottingham and Durham]
- There is no demonstrated need for student accommodation, here, or in the local area
- There is no undertaking from the University of Warwick to manage this facility
- Reference is made to parking problems at the Alumno development
- There is concern over the proximity of the site to a mobile phone mast
- The site would be better suited to affordable housing
- The site would be better developed for housing, including some affordable housing thereby providing a more balanced, mixed and sustainable community

While the above points represent genuine concerns from neighbouring properties and local residents, it is not for officers to question the need for such a development, or within the context of this proposal consider how the site could be better developed.

133 letters of support received for the following reasons:

- This would result in the redevelopment of a scrap yard
- The scrap yard is unsightly and unneighbourly
- Student accommodation is needed for the town centre
- This would be a visual improvement to the local area
- The scrapyard use should be outside the town centre
- There is a shortage of good quality student accommodation and this would help meet a need
- This would help regenerate the area
- PBSA would free up residential homes elsewhere
- This would be good for the local economy
- The scrapyard is noisy
- The current use attracts anti-social behaviour

- Redevelopment of this site could kick start the regeneration of the wider area
- The development will make environmental improvements and will decontaminate the site
- Surrounding buildings can then be used more actively
- Skip lorries associated with the current use of the site are a hazard to pedestrians
- The site is dilapidated and redevelopment should be welcomed
- This proposal would re-use previously developed land

1 neutral letter received raising the following point:

It is good to see the inclusion of air source heat pumps and photovoltaic panels in the proposals

ASSESSMENT

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

- The principle of the development
- Regeneration of the site including the design and visual impacts on the character of the area
- Canal-side Benefits
- The removal of unneighbourly uses
- The management of the development (Management Plan)
- The impact on the character and appearance of the area
- Impact on neighbouring amenity
- Car parking and highway safety
- Contaminated land and environmental health
- Drainage and flood risk
- Ecological impact
- Open space contributions
- Health and wellbeing
- Bin storage
- Crime prevention
- Other matters

The Principle of the Development

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 DS17 of the Local Plan states that the Council will prepare and adopt a Canal-side Development Plan Document (DPD) to assess the canals in the district and their environment and setting, identify areas for regeneration along urban sections and identify areas for protection (where appropriate).

While work is ongoing to prepare this DPD, it is important to recognise that the general thrust of this approach 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.

Within that context this proposal for purpose built accommodation that seeks to make the best use of a prominent canal-side site, which is physically constrained to some extent by its unusual shape, is considered to be broadly acceptable in principle. This is however, also subject to the proposal's conformity with Policy H6 which relates to the provision of Houses in Multiple Occupation (HMO's). This is considered below.

Conformity with Policy H6

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:-

- 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;
 - a) The application site is within 400m walking distance of a bus stop;
 - b) The proposal does not result in a non-HMO dwelling being sandwiched between two HMO's;
 - c) The proposal does not lead to a continuous frontage of three or more HMO's; and
 - d) Adequate provision is made for the storage of refuse containers whereby –
 - e) The containers are not visible from an area accessible by the general public,
 - i. 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 34 which gives a percentage of 16.1% of total dwelling units. The development proposes an additional 48 (cluster flats) which would increase the percentage in a 100m radius to 31.7%.

There are exceptions to Policy H6, which the policy sets out may be made, where the site is either on the University of Warwick's campus or a main thoroughfare in a mixed use area. The site in this instance meets neither of these exceptions and the proposal is therefore contrary to the provisions of Policy H6 such that in that respect there is an objection in principle to the proposal.

However, it is also necessary to consider whether there are any other material considerations, the benefits of which would outweigh the harm arising from that policy objection, which in this case might specifically arise from:-

- ii. The regeneration of the site
 - The benefits for the Canal-side environment
 - The removal of unneighbourly uses (e.g. the scrapyards)
 - The manner in which the development will be managed to minimise any impacts or loss of amenity within the surrounding area.

An assessment of these potential benefits is set out below.

The regeneration of the site and the character of the area

The regeneration of this 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 loss of an unsightly commercial use and redevelopment with a building of high quality bespoke design which is appropriate within the surrounding area.

The design of the building in terms of the elevational treatments, materials and finishes has been amended through the life of the application and has, to some extent, been informed by earlier discussions that have taken place. The building is four storeys plus a lower ground floor which predominantly includes car and cycle parking, other services and some residential accommodation. The shape of the building is unusual and is designed to follow the natural shape and physical constraints of the site. This would provide a 90m canal-side frontage elevation which would have a depth of approximately 12m. There would be a return at either end, following the outline of the site boundaries, the deepest of which would be 15m (the other with a similar depth to the overall building at 11.5m).

The overall height of the building would be 14.2m. Levels 1, 2 and 3 would be constructed predominantly from facing red brick, while the roof level would be inset from all sides of the building and predominantly built from a mix of glazing and grey render/cladding, providing a more lightweight structure at the top of the building thus minimising any perception of the building appearing too tall or overbearing.

On the canal-side elevation, full height windows are proposed with recessed sections that assist in breaking up an otherwise long continual elevation. The use of balconies overlooking the canal, timber cladding, mixed coloured cladding and louvered panels at the windows all contribute to what is considered to be a varied and interesting elevation fronting the canal.

On the Wise Street elevation, a more traditional approach has been adopted that incorporates traditional casement windows, with less of a vertical emphasis, as well as more brick and less cladding. This is considered to reflect the existing residential character of Wise Street.

It is noted that the building would be taller and have a greater massing than the surrounding buildings in Wise Street, however as a canal side development it is considered important to introduce a robust physical presence. The design, whilst having modern features, would represent a significant improvement to the current site and is considered a benefit to the setting of the adjacent

Conservation Area and visual appearance of the streetscene generally. The proposal is not dissimilar to the scale of the building on the opposite side of the canal and furthermore echoes the scale and form of industrial development that would have historically been found along the canal-side frontages.

It should also be noted that the development has been designed such that the existing level difference between the canal towpath and the building's ground floor level would be further altered to reduce it to 1.2m below the towpath. This would maintain the already established ridge height to adjacent residential apartments to the south west of the site and would ensure the development remains visually appropriate in scale and form.

Canal-side Benefits

At the time of considering this application, work has commenced on the designation of a canal-side Conservation Area within the District whilst Policy DS17 seeks to protect and enhance canal-side sites and developments.

In this context, relative to the current unsightly use of the site, the building relates positively to the canal frontage and the proposal sets up a strong reference to the canal as a perimeter to the block. It is scaled to be no higher than the ridge of the block on the opposite side of the canal and whilst the proposed building would have a clear presence within the surrounding area, it is considered to be consistent with the canal-side environment and wider area.

The design of the building has been driven by its canal-side location and subject to the careful consideration of material samples at a later date, the appearance of the building and its design will contribute positively to the surrounding area. Furthermore, it is noted that the design of the building and the choice of fenestration and materials has evolved and was further revised during the course of the first submission following discussions with the conservation officer at the time. The development is therefore considered to represent a significant visual improvement which will assist in the transformation of that character of the surrounding area.

The removal of unneighbourly uses

The proposals involve the removal of the existing scrapyard from the site and its redevelopment with the proposed building. There are numerous letters expressing support for the removal of the noisy and unneighbourly scrapyard from the site and while it is noted that some of these letters have been sent by people who do not live in the immediate vicinity of the site, there are a number of letters expressing such support from residents of Wise Street and Wise Terrace which are the two streets closest to the site, largely in residential use.

Officers are of the view that the removal of the scrapyard from this site would present a number of benefits, not just in a visual sense, but also insofar as it would reduce the vehicle movements and, in particular, HGV movements to and from the site daily, as well as the noise, disturbance and other adverse impacts that result from a scrapyard being sited in the midst of residential properties.

The management of the development (Management Plan)

A robust and detailed Management Plan has been submitted with the application which sets out explicitly how the development will be managed in the short and longer terms. The principle issues that it addresses are summarised below.

Day time management

The document makes provisions for both day time management and out of hours management of the development. In respect of the former, the Management Plan states the development would be fully managed and have a dedicated team on site Monday - Friday between the hours of 09:00 and 17:00 and there would be a team comprising a Site Manager, Site Warden and cleaning and maintenance staff working with the Site Manager.

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:

- Representing the main contact between management, students and the local community,
- Ensuring any complaints from local residents (or students) are dealt with promptly,
- Carrying out regular patrols of the development,
- Producing a weekly report detailing any matters which arise, including any community complaints which will be reported to the development operator.

The team would be supported by off-site management, responsible for the marketing of the development as well as dealing with any tenancy enforcement issues. The proposal includes a management office within the reception forming the hub for all student and visitor enquiries and would be manned from 09:00 to 17:00. Its position is well placed to monitor students entering and leaving the development.

Out of hours management

The reception would include a 24/7 help desk connected to the Site Manager and their staff who would be available to attend out of hours calls, and would be responsible for assisting students who need advisory services and also for monitoring student behaviour. The intention would be to issue local residents with telephone numbers for the site management office and the 24 hour helpdesk so that there is always someone available to respond to any issues of concern to them immediately. The Management Plan states that all complaints from local residents will be handled seriously and investigated immediately.

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 two weekends 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.

Controlling car use

The student accommodation is to be marketed as a non parking residence. There are some exceptions that may be made to this for particular students who are eligible and/or pre-arrange to buy a parking space as part of their tenancy agreement. All residents would be issued with a parking guide as part of their purchase which would include their on-site parking permits and restrictions on use of the parking spaces.

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. This is punishable by termination of the letting agreement. All residents will be aware of the limited amount of parking on site, which would only be bookable on a strictly term or annual basis and as such it is considered that the development would be unlikely to be particularly attractive to those for whom car parking is a necessary requirement.

All students will sign a declaration preventing them from using or parking a vehicle within the area stipulated on a plan appended to the Management Plan. This plan covers a 1 mile radius of the development. 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 include:

- Noting vehicle registration numbers during drop off's and pick up's and recording this information against the associated student,
- Investigating any complaints or breaches of the parking declaration by monitoring the vehicle in question,
- 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 includes a flow chart of what would typically happen in the event a neighbour or other local resident reported an incident of noise, disturbance or other anti-social behaviour. It is envisaged this would follow the same patterns of fines, warning and ultimately expulsion from the development.

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. Regular meetings will be held with local residents and other groups to discuss and address any issues.

The amenity areas within the development would be subject to a curfew at night which 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 through the completion of a legal agreement.

Impact on neighbouring amenity

The new building has been designed to optimally maximise the unusual and constrained shape and layout of the site. Moreover, its Wise Street fronting elevation has been designed to architecturally reflect the existing residential character of Wise Street. Accordingly, windows are smaller than those on the canal-side frontage and as such would keep overlooking to a minimum. The shape of the site, the way in which the proposed building will occupy it and the separation distances involved also minimise any opportunities for overlooking.

The elevation facing Wise Street/Wise Terrace and the nearest neighbouring building shows that this end of the building, albeit proposing five storeys of accommodation, is architecturally broken up, including inset balconies on both corners of the building and an inset roof floor all of which further reduces the perception of massing. Given this small scale element of built frontage (when compared to the overall scale of the building proposed) that would front Wise Street/Wise Terrace, officers are satisfied that the development would not result in demonstrable harm to the amenity of neighbouring properties by reason of overbearing, overshadowing or overlooking.

On the canal-side frontage, there is a separation of 20 metres between the canal-side facing elevations of the proposed and the existing building opposite. Whilst the design of the building is such that it does not offer traditional front, rear and side perspectives, it is considered to be comparable with 'front to front' relationships that are typically shared between buildings that line both sides of a road, where the carriageway and the footpaths, actively used on a regular basis, provide the intervening features that separate the buildings. Similarly, the canal, with its towpath on one side and a footpath and landscape buffer on the other provide the separation between these frontages here, which on balance is considered to be acceptable and would not give rise to significant and demonstrable harm to the amenity of neighbouring buildings.

Accordingly, the development is considered to comply with Policy BE3 of the Local Plan.

Car Parking and Highway Safety

Submitted with this revised planning application was a Transport Statement (TS) which analysed the highway and transportation impacts of the proposed development. The TS concluded that the development would result in a reduction in the number of vehicle movements in connection with the site during peak hours, and of HGV movements in general, in comparison with the continued use of the existing land uses on site. The Highway Authority has confirmed it agrees with these conclusions.

A Road Safety Audit (RSA) was also submitted with the TS, which considered matters of both vehicular and pedestrian access between the application site and the public highway. The RSA made a specific recommendation regarding improvements to the pedestrian access from the site to the existing public footpath between the adjacent canal towpath and West Street. Details have been provided of works to be undertaken in West Street and the footpath, which is itself adopted highway, in accordance with this recommendation. The Highway Authority has recommended wording for an appropriate condition requiring these works to be provided prior to the first occupation of the development.

To ensure that all pedestrian crossing points have suitable facilities for pedestrians with mobility or sight impairment, the Highway Authority has recommended a suitable condition requiring such works to be undertaken prior to the first occupation of the development.

Subject to these recommended conditions as set out above, the Highway Authority considers that adequate vehicular and pedestrian access to the application site can be achieved.

Since the proposals are primarily geared toward providing a parking free development, the 33 spaces which are proposed, are considered to be acceptable, and the Highways Authority has offered the following comments which concur with this view:-

- The development is presented as being specialist student accommodation; the Highways Authority considers that a development occupied solely by students is likely in general to result in lower levels of car ownership than a development of traditional housing;
- Measures set out in the Management Plan will ensure that car parking in and around the site and car usage in general is strictly controlled, monitored and enforced by the management company; and
- The Highway Authority considers that the sustainable location of the application site will contribute towards its effective operation within the constraints proposed. A condition is recommended that requires the submission of a Green Travel Plan to encourage the operators to maximise the potential for alternatives to single-occupancy car journeys.

Overall, having regard to the information submitted by the applicant, the detailed consideration by the Highways Authority of both access and parking provision and in light of the recommended conditions and the management plan proposals, it is considered that the development will not result in detriment to highway and

pedestrian safety and therefore the development accords with Policies TR1, TR2 and TR3 of the Local Plan.

Contaminated land and environmental health impacts

A number of surveys, ground investigations, noise reports and other technical information documents have been submitted with this application, all of which have been fully considered by the Environmental Health Officer (EHO). After seeking further points of clarification and requiring additional documents to supplement those originally submitted, the EHO has now confirmed there are no objections and that subject to the imposition of appropriate conditions the development will not 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, further work undertaken has concluded that it is possible to provide an appropriate internal noise environment for future occupiers of the development. A condition is therefore recommended requiring the developer to employ a glazing configuration that will achieve the 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. It is anticipated this will include, for example, details of electric charging points for vehicles proportionate to the scale of development i.e. one charging point for every ten spaces (thus a total of four charging points).

Detailed work has been undertaken in respect of nuisance/pollution arising from demolition and construction, and while this does not negate the need to impose a condition on any forthcoming permission requiring the submission of a Construction Management Plan, it is noted that an assessment of potential dust emissions during demolition/construction has already been carried out and a report which sets out measures for the control of dust and this should be incorporated into the management plan. It is therefore recommended that a condition be imposed requiring the remaining details as recommended by the EHO in this regard.

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 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.

Drainage and Flood Risk

Following the receipt of further information, the Lead Local Flood Authority (LLFA) has 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.

Ecological Impact

The County Ecologist raises no objections to this development subject to conditions and notes. It is therefore considered the development is acceptable in this regard and in accordance with Policy NE2 of the Local Plan.

Open space contributions

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. The proposed development would not make any on-site provision for open space and accordingly, having been assessed by the Open Space team, a contribution of £172,260 would be required. This is calculated on the basis of:

10 x 1 bed dwellings @ £1,228 per room = £12,280

190 bedrooms in multiple bed dwellings @ £842 per room = £159,980

The contribution would be put toward the development objectives of Victoria Park, relating specifically to infrastructure improvements and providing outdoor fitness equipment. An additional 200+ students utilising this highly popular public open space would put significant additional pressure upon the facilities and exacerbate the existing issues on site. The proposal is considered to accord with HS4 and is acceptable in this regard, and it is noted that a contribution of this amount should be secured via a S.106 agreement.

Health and Wellbeing

The application is considered to make appropriate provision for students who wish to live within the town centre of Royal Leamington Spa and would provide this opportunity, as well as supporting the economy of nearby local shops and the area in general.

Bin storage

The Waste Management Officer has raised no objections to the development and advised that given the scale of the development and the number of occupants for whom it is intended the bin store should be large enough to accommodate a total of 16 x 1100 litre bins with space to accommodate more if they were needed in the future. The site layout has been amended during the course of this application to reflect this advice and space is now shown to accommodate the required number of bins with additional space if required at a future date. The development is therefore acceptable in this regard.

Crime prevention

Warwickshire Police has raised no objections to the development and as such it is not considered that the proposals would result in any community safety issues. Accordingly it is considered the development is acceptable in this regard.

Other matters

Telephone mast

Comments have been received about the proximity of a mobile phone mast to the site. Whilst this is not a material planning consideration, this issue has been considered by the Environmental Health Officer following which the applicant's agent has indicated that they will be in contact with the mast operator as necessary.

Canal & River Trust comments and request for financial contribution

The Canal and River Trust have requested a financial contribution to be paid that would assist in delivering improvements to the canal towpath which would facilitate safe, convenient and attractive walking and cycling options for both accessing services and facilities and general recreation, promoting health and well-being, consistent with the aims of the NPPF. A contribution from the developer would either cover increased maintenance costs, or would upgrade the towpath surface to a standard which is more durable and thus able to accommodate any increased usage associated with the proposals.

The towpath is identified as a key cycle and pedestrian route to access services and facilities and for leisure use to promote health and well-being and overall sustainability of the proposed development site and can therefore expect significantly increased usage. In officers' view, such a request for a financial contribution would in principle, be necessary, directly related to the proposed development, fairly and reasonably related in scale and kind to the development proposed and necessary and reasonable in all other respects, thus satisfying the relevant provisions of the NPPF and the Planning Practice Guidance.

CIL

This proposal will be CIL liable, the amount of which will be calculated following the determination of the application.

Summary and Conclusions

The proposed development for purpose built student accommodation fails to comply with Policy H6 of the Adopted Local Plan by reason of the proportion of HMOs that would result within a 100m radius. However, it is considered that other material considerations exist which are sufficient to outweigh that objection which as set out above are:-

- The regeneration of the site;
- The visual improvements to the Canal-side environment;
- The removal of an unneighbourly use along with the associated impacts of that use; and
- The manner in which the development will be managed to minimise any impacts or loss of amenity within the surrounding area.

It is considered that the removal of the scrapyards, which is acknowledged as an unneighbourly use in an otherwise residential area, would be a significant benefit and the site's redevelopment through the construction of the proposed new building would provide a significant visual improvement and enhancement to the

character and appearance of the area, as well as residential amenity. Moreover, the development provides an opportunity to regenerate this particular area of the Grand Union Canal, making optimum use of the canal-side frontage, and it is acknowledged that the proposals would open up the area, improving connectivity and permeability in, through and around the site and present an opportunity to improve pedestrian and cycle links through the site and along the canal towpath.

The proposal is considered to be acceptable in terms of highway safety and environmental health matters which have been the subject of extensive additional survey work to address previous concerns. Further, it is considered to be acceptable in respect of neighbouring amenity arising from both the physical form of the building and the manner in which the use will operate and in respect of all other material considerations.

The recommendation is that planning permission be granted subject to a number of planning conditions and also to the completion of a Section 106 Agreement to ensure that the proposals are brought forward in an appropriate manner.

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 3323-100 Rev.B, 3323-101 Rev.C, 3323-103 Rev.F, 3323-104 Rev.F and 3323-109 Rev.C and specification contained therein, submitted on 30th August 2017 and amended drawings 3323-102 Rev.L, 3323-105 Rev.B, 3323-106 Rev.B, 3323-107 Rev.I, 3323-108 Rev.I and 3323-110 and specification contained therein, submitted on 20th November 2017. **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 Other than site clearance and preparation works no works 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 part of the development hereby permitted shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA and an assessment of the hydrological and hydrogeological context of the development, 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:
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 5 l/s for the site.
 - Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
 - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Provide a detailed network model showing where the flooding will occur including exceedance flow and overland flow routing; overland flow routing should look to reduce the impact of an exceedance event.
 - Provide evidence of an agreement from Severn Trent Water to connect to an existing surface water network.
 - Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details shall be

provided to the LPA.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW1 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.

- 7 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 Noise Reduction in Buildings-code of practice 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 the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policy BE3 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 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);
- a) Persons responsible for:
 - b) Compliance with legal consents relating to nature conservation;
 - i. Compliance with planning conditions relating to nature conservation;
 - ii. Installation of physical protection measures during construction;
 - iii. Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
 - iv. 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.

- 12 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.
- 13 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.
- 14 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.

- 15 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 drawing number 3323-102 Rev.L. 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.
 - 16 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.
 - 17 The development hereby permitted shall not be occupied until the public highway D4620 West Street and the adopted footpath between West Street and the towpath of the Grand Union Canal have been improved so as to provide for works to improve pedestrian safety in accordance with approved drawing number 18388-03, in Appendix F of Transport Statement RMC/RD/18388-01e dated 11th September 2017. **REASON:** In the interest of vehicle and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
 - 18 The development hereby permitted shall not be occupied until the public highway D4614 Wise 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.
 - 19 Noise arising from any plant or equipment at these premises , when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) measured as LAeq(5 minutes).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 protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
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