

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 18 April 2012

U

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	2 Southlands Grove Riddlesden Yorkshire BD20 5HA - 11/05631/FUL [Approve] – page 1	Keighley East
2.	4 Cheltenham Avenue Ilkley West Yorkshire LS29 8BN - 12/00706/HOU [Approve] – page 8	Ilkley
3.	Warehouse Bridge Bar Lane Riddlesden Keighley West Yorkshire - 11/04306/MAF [Approve] – page 12	Keighley East

Julian Jackson
Assistant Director (Planning)

Report Contact: Mohammed Yousuf
Phone: 01274 434605

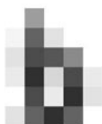
Email: mohammed.yousuf@bradford.gov.uk

Portfolio:

Change Programme, Housing and Planning

Improvement Committee Area:

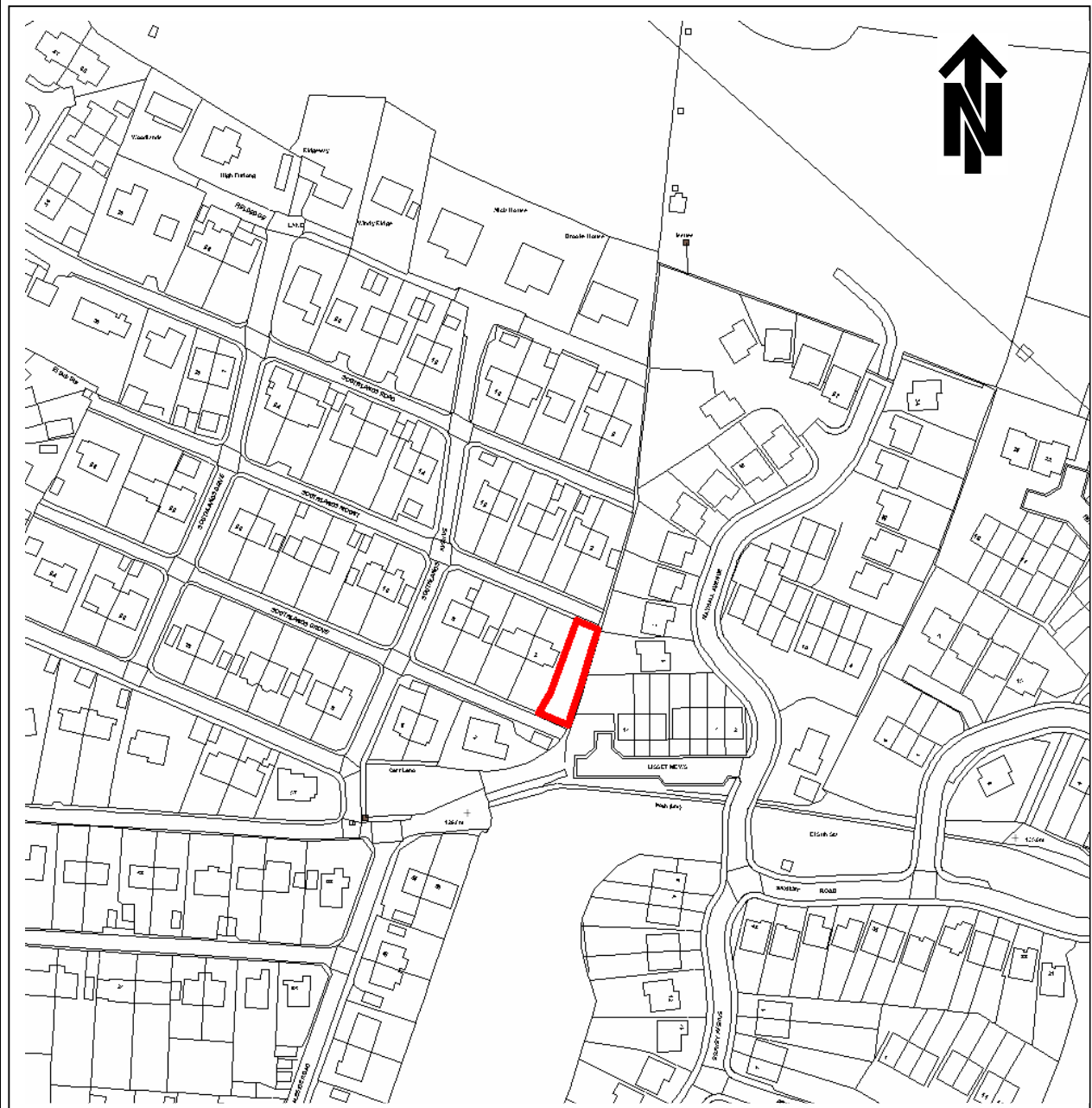
Regeneration and Economy



Area Planning Panel (Keighley)

11/05631/FUL

18 April 2012



© Crown copyright 2000. All rights reserved (SLA 100019304)

ITEM NO. : 1

LOCATION:
2 Southlands Grove
Riddlesden
Keighley BD20 5HA

18 April 2012

Item Number: 1
Ward: KEIGHLEY EAST
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
11/05631/FUL

Type of Application/Proposal and Address:

A full application for the erection of a new detached dwelling at land at 2 Southlands Grove, Riddlesden BD20 5HA.

The application is a resubmission following a recent refusal for a similar proposal reference: 11/01291/FUL which was determined by Keighley Area Planning Panel on 23 June 2011.

The proposal has been amended to include an attached garage and a revised parking and turning facility to the front of the proposed dwelling. The siting, scale and design of the proposed dwelling are as previously submitted.

Applicant:
S Bottomley

Agent:
A Kaminski

Site Description:

This site comprises the side garden of an existing semi-detached dwelling at the eastern terminus of a residential cul de sac called Southlands Grove in Riddlesden. The cul de sac is surfaced but is unadopted and does not have a proper turning head. The garden runs through to Southlands Mount to the north. The east boundary of the site is contiguous with the rear garden boundaries of more recently constructed detached dwellings that front onto Mayhall Avenue, an estate road some 30 metres to the east. The rear elevation of the nearest dwelling on Mayhall Avenue is some 10 metres from the application site boundary. Further semi detached dwellings line Southlands Grove and are built in stone and render with rosemary red clay tiled hipped roofs.

Relevant Site History:

11/01291/FUL - Construction of detached dwelling –The application was refused at area planning panel with the decision issued on 28.06.2011.

The application was refused for the following reason:

The development would increase the amount of traffic using the substandard access roads leading to the site. This would result in problems with vehicle manoeuvring and cause problems of access to, and egress from the site, particularly for emergency vehicles, and would therefore be detrimental to highway safety contrary to Policies TM2 and TM19A of the Replacement Unitary Development Plan for the Bradford District.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated on the RUDP Proposals Map.

Proposals and Policies

UDP3 – quality of built and natural environment

UR3 – local impact of development

D1 – general design considerations

TM2 – impact of traffic and its mitigation

TM12 – residential parking standards

TM19A – traffic management and road safety

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Keighley Town Council recommends for refusal. This has a very bad access, there is nowhere for cars to turn and there are objections from neighbours.

Publicity and Number of Representations:

Neighbour letters and site notice – expiry 28.01.2012.

Five objection letters have been received.

Summary of Representations Received:

1. Increase in traffic and parking demand would cause problems and conflict on this narrow road
2. Run off water would increase into an already problematic drainage system.
3. Loss of views
4. Noise and disturbance during construction
5. The proposal does not address the previous reasons for refusal

Consultations:

Highways Development Control: The current application is a resubmission of a previously refused application (11/01291/FUL) to which Highways Development Control (HDC) raised

some concerns but supported in principle. Previously, HDC was concerned that there was not enough clearance between the car spaces which would cause difficulty in turning when accessing the spaces. This was compounded by the narrow width of Southlands Grove.

The current submission addresses these issues by incorporating an integral garage and a hard standing; there is also a good sized turning head to allow cars to enter and exit the site in a forward gear. It is now considered that the application submitted is generally acceptable and highways would not wish to raise further objections.

Building Control (Drainage): I note that it is the developer's intention to discharge foul and surface water from the development into the existing private drainage system serving 2 Southlands Grove, I have no objection in principle to this proposal, however, the developer must provide details to demonstrate the existing private system is both hydraulically and structurally suitable to drain the proposal prior to works commencing on the site.

The development should be undertaken in such a manner so as not to change the overland surface water flow patterns to the detriment of adjacent landowners.

Summary of Main Issues:

1. Principle.
2. Local amenity considerations.
3. Highway issues.

Appraisal:

Following refusal of 11/01291/FUL, this proposal for a single dwelling on the garden at the end of the cul de sac has been amended to include a garage attached to the front of the house and a revised parking and turning facility to the front of the proposed dwelling. Otherwise, the siting, scale and design of the dwelling are as previously submitted.

Principle

The development of existing residential curtilages and a resulting increase in development density was, for some time, supported by Governmental planning policy in the form of PPS3 (Housing). This advice sought the more efficient use of urban land for housing purposes and regarded existing residential garden space as 'brownfield' and therefore appropriate for new housing development – subject to all other material planning considerations being satisfied.

However the coalition government has introduced changes to PPS3, in that garden space cannot now be classified as 'brownfield' land and thus suitable as a matter of broad principle for new housing provision.

It appears that this change in policy may arise at least in part from a perception that new dwellings within the curtilage of existing properties results in poorly conceived and cramped layouts. Clearly this will not arise in all cases and there will remain many examples of existing garden space that are suitable for new residential development, within established residential areas.

Given the available space and general arrangement of surrounding dwellings the erection of a new dwelling on this site would be acceptable subject to the proposed development satisfying all material planning considerations, which are addressed below.

Local Amenity Considerations

The application site comprises garden space associated with the end semi detached house on this short cul-de-sac. The proposals involve the subdivision of the overall garden area to release a strip of ground some 30 metres in length and varying in width between a minimum of 7.2 metres and a maximum at the front of 11.5 metres. The proposed house would be 6.15 metres wide and so the width of the plot is of satisfactory size to accommodate it with space to either boundary.

In terms of the general effects upon the street scene, the scale, form and character of the dwelling are considered reasonably balanced with the proportions of the site and the height and scale of the existing semi. This current submission includes a garage projecting forwards from the front elevation, towards the western side of the proposed dwelling.

It is not considered that this garage would have any significant negative impact on the character of the area.

The eastern boundary of the site is delineated by a stone wall beyond which are the garden areas associated with more recent dwellings on Mayhall Avenue to the east (this is part of the Swine Lane development). Clearly the site already comprises garden space as part of the curtilage of 2 Southlands Grove and its continued use as garden space, albeit associated with a different dwelling would have no significant implications for the amenities of any nearby occupiers.

The proposed dwelling would not give rise to loss of light or overshadowing of neighbouring amenity space and would not introduce windows that result in loss of privacy given the existing arrangements in the vicinity. It is designed to have only obscure glazed non habitable room windows facing towards the gardens of houses on Mayhall Avenue. It would be set well back from the front and rear plot boundaries and so would not cause any significant overlooking to properties to north or south. The proposed dwelling would be of conventional 2 storey height and would not unduly dominate or overshadow any of the neighbouring properties or their gardens.

The proposed dwelling would be sited at the eastern end of a cul-de-sac that is fronted on the north side by semi-detached dwellings occupying an elevated and sloping site facing south towards Keighley. The existing dwellings along Southlands Grove are of a uniform design with rendered walling, the dwellings on the north side having red clay tile roofs whilst dwellings to the south side have blue slate.

The proposal reflects the appearance of surrounding properties to incorporate render and red roof materials to match those of the existing semi detached houses and so retain the character of the street. The proposal here involves a new detached dwelling of limited scale and designed to match nearest neighbouring properties in terms of materials, texture and colour.

Overall therefore the proposed development would be in general accordance with Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

Highway Issues

This section of Southlands Grove comprises a short length of cul de sac highway terminating at a stone wall. It presently provides vehicular access to three pairs of semi-detached and one detached dwellings. It has no turning head. Users rely on turning within private drives.

However, the surface is in good condition and the short length of the roadway is such that vehicle speeds are very low. It carries very limited traffic at present.

The Council's Highway Engineer has raised no objections to the proposed development of an additional dwelling being served from Southlands Grove subject to the proposed off-street parking to serve the development being of sufficient width to enable ease of use.

The reasons for refusal of the previous application referred to the increase in the amount of traffic using the substandard access roads leading to the site. It was felt by Members of Panel that this would result in problems with vehicle manoeuvring and cause problems of access to, and egress from the site, particularly for emergency vehicles, and would therefore be detrimental to highway safety.

To address these problems the applicant has proposed improved parking arrangements. Previously the scheme proposed two parking spaces accessed directly from the street. The revised plan shows a garage set back into the site, a small turning head and an additional car space within the site. This improved parking layout would enable cars to manoeuvre and park within the site and enter and exit in a forward gear so as to reduce any impact from reversing vehicles.

The Council's Highways Engineer consulted on the application is satisfied that this proposal presents a workable and improved arrangement for cars. Accordingly, the development would accord with Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The proposed dwelling would make more efficient use of land within the built up area for housing. The proposed dwelling is considered to be of appropriate design and scale and it is considered that it will have no significant adverse effects on local amenity or the amenity of occupiers of neighbouring properties. The scheme has been amended to ensure satisfactory arrangements for car parking and turning within the site and the scale of development proposed is considered within the capacity of the surrounding highway network. The development is considered to comply with relevant saved Policies D1, TM19A and UR3 of the Replacement Unitary Development Plan for the Bradford District (2005).

Conditions of Approval:

1. Development to be begun within 3 years of the date of the permission.
2. Development to comply with the approved drawings
1036.02 REV B Plans, Elevations and Section
1036.02 REV C – Site Layout Plan
1036.03 Site Location Plan

3. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2005 (as amended) (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To accord with Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

5. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

6. Before the development is brought into use, the off street car parking facility shall be laid out and surfaced in permeable materials within the curtilage of the site in accordance with the approved drawing 1036.02A. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and sustainable drainage to accord with Policies UR3 and TM12 of the Replacement Unitary Development Plan.

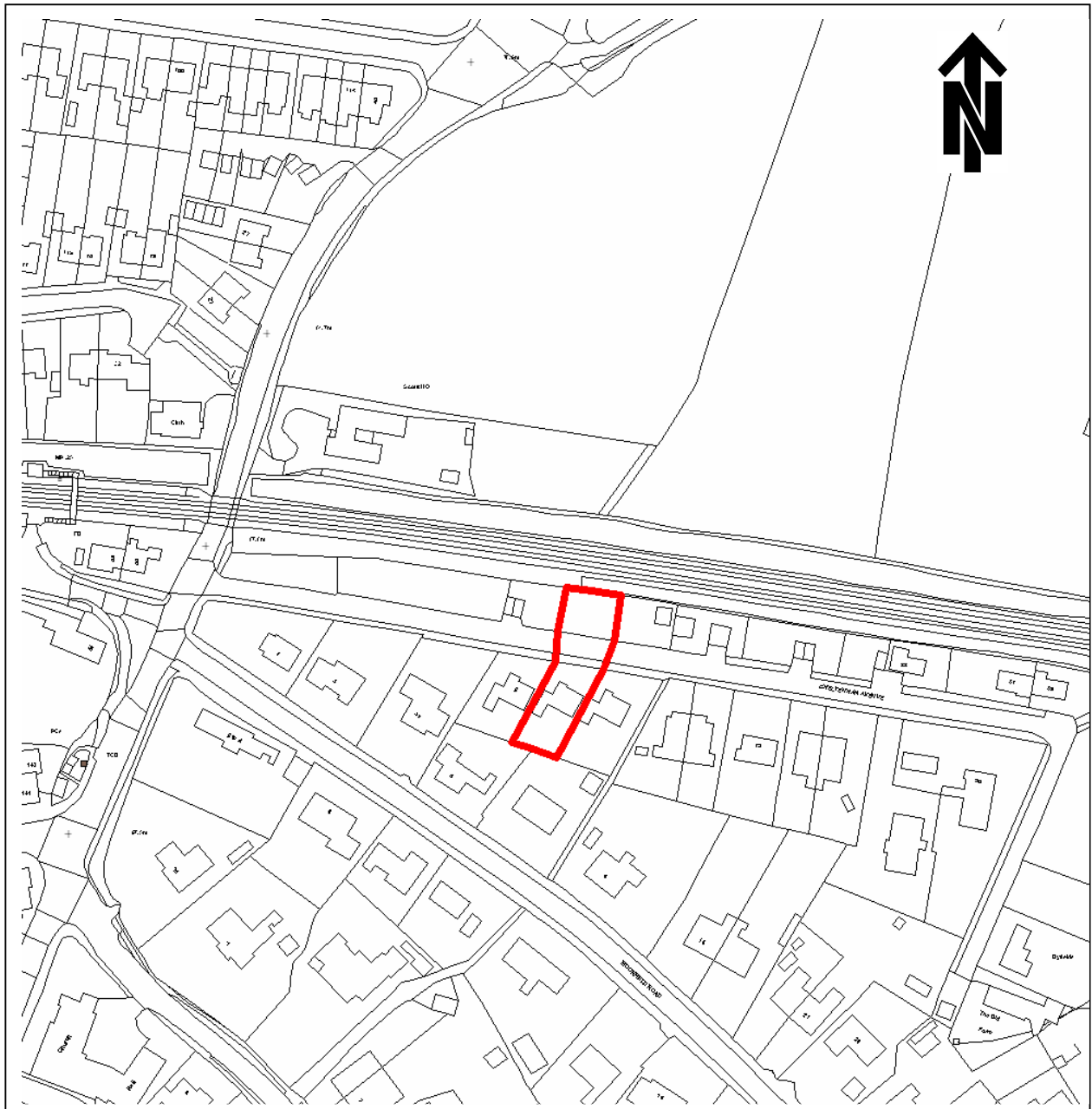
7. Any gates to be constructed as part of the development shall not open over the highway.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley)

12/00706/HOU

18 April 2012



© Crown copyright 2000. All rights reserved (SLA 100019304)

ITEM NO. : 2

LOCATION:
4 Cheltenham Avenue
Ilkley
LS29 8BN

18 April 2012

Item Number: 2
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

This application is referred to the Planning Panel as the agent is Councillor Martin Smith.

Application Number:
12/00706/HOU

Type of Application/Proposal and Address:
Householder application for conversion of existing garage into disabled bedroom and bathroom with new conservatory at 4 Cheltenham Avenue, Ilkley.

Applicant:
Mr James Wilkinson

Agent:
Martin Smith Designs

Site Description:
The property is located in Ben Rhydding in an established residential area. It is the middle one of a row three detached houses constructed in the 1970s. Cheltenham Avenue is an unadopted, level road. Across the street from the property are areas of garden between the road and the railway.

Relevant Site History:
97/00660/FUL Erection of garage on land opposite - Approved 08.04.1997

Replacement Unitary Development Plan (RUDP):
Allocation
Allocation
Unallocated

Proposals and Policies
UR3 Local Impact of Development
D1 General Design Considerations

Supplementary planning guidance contained within the Council's Revised House Extensions Policy 2003.

The National Planning Policy Framework (NPPF):
The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Ilkley Parish Council has not made a comment.

Publicity and Number of Representations:

The application was advertised by neighbour notification letters with an expiry date of 12th March 2012.

Summary of Representations Received:

No representations have been received.

Consultations:

None deemed necessary.

Summary of Main Issues:

- 1. Impact on the local environment.
- 2. Impact on residential amenity of neighbouring occupiers.

Appraisal:

Impact on Local Environment:

The proposals are to add a pitched roof to the existing flat roofed garage, with the replacement of the garage door with a window and matching stone walling. Also a small white upvc conservatory is proposed to the rear elevation. All are considered to be minor, subservient additions in keeping with the character of the existing property and the street scene.

The existing garage is set alongside the side wall of the house and set back behind the front wall with its doors 10 metres from the street. It will therefore have very little visual impact. The conservatory faces onto an enclosed private garden and will not be visible from any public areas.

Impact on residential amenity of neighbouring occupiers:

The proposed addition of pitched roof to garage and construction of conservatory to the rear of the property are not considered to have any adverse impact on the amenity of occupiers of the neighbouring properties. No. 2 Cheltenham Avenue to the west has a blank elevation facing the proposal. There are ground floor side elevation windows about 7 metres from the boundary with 6 Cheltenham Avenue, but there is an existing close boarded fence so no overlooking will occur.

Impact on Highway Safety:

The proposal leads to the loss of the integral garage, but the property benefits from a garage on an area of detached curtilage on the other side of Cheltenham Avenue. In addition, sufficient driveway area (10m) remains for at least one car to park. The unadopted road is, in any case, of reasonable width and it is not considered that the proposal will have an adverse impact on highway safety.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The proposed garage conversion with pitched roof and conservatory to the rear of the property is considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significant adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with Policy UR3 (The Local Impact of Development) and D1 (General Design Considerations) of the Replacement Unitary Development Plan 2005 and the Revised House Extensions Policy 2003.

Conditions of Approval:

1. The development hereby approved shall only be carried out in accordance with the approved plan(s) listed below:

- 11/543/1 Location plan, existing site plan, east and west elevations and section
- 11/543/2 Existing floor plans and north and south elevations
- 11/543/3 Proposed floor plans and north and south elevations
- 11/543/4 Location plan, proposed site plan, section and east and west elevations

Received by the Council on 20 Feb 2012

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

2. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted application.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

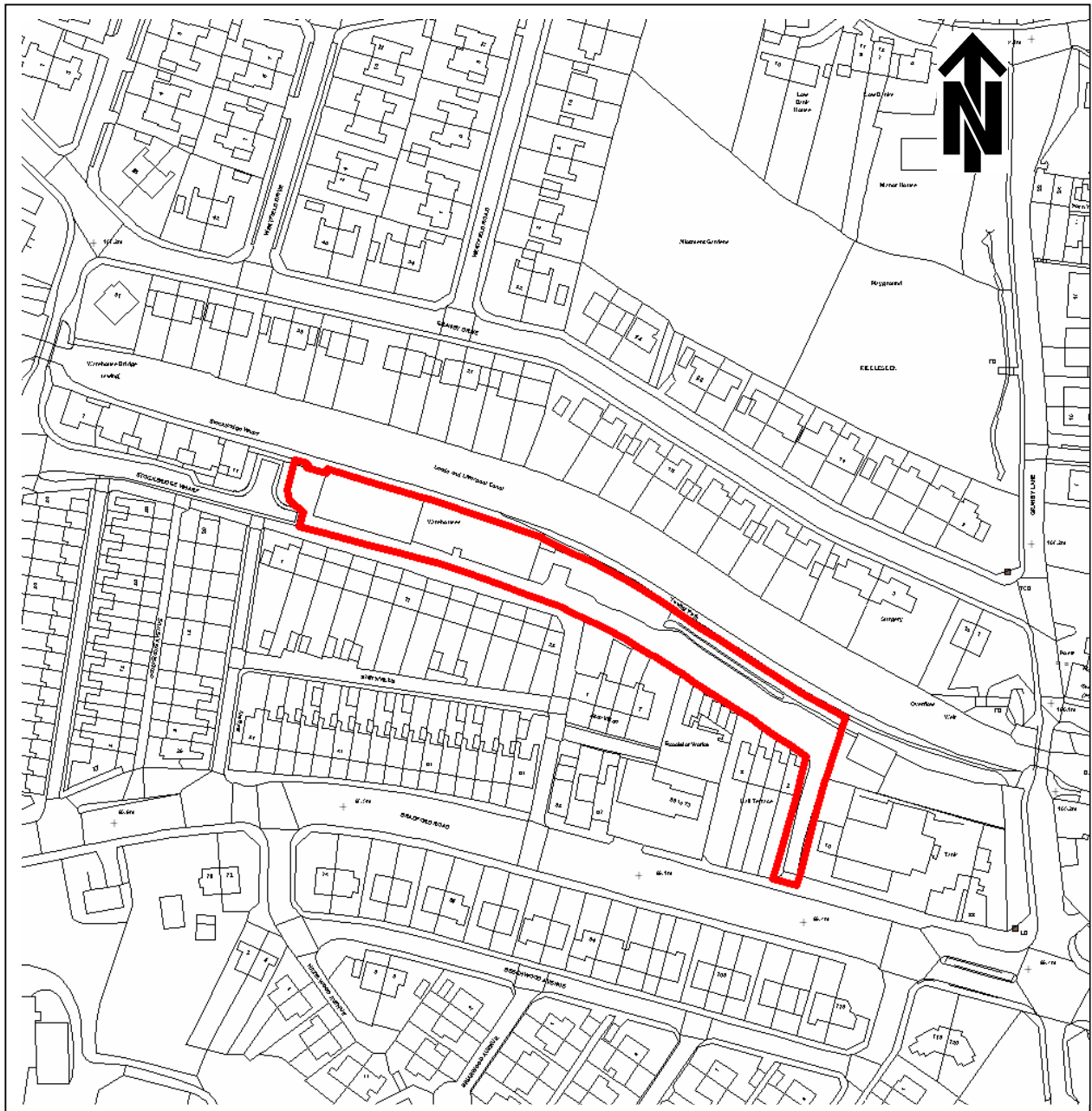
3. A 1.8 metre solid boundary screen shall remain along the relevant section of the boundary with 6 Cheltenham Avenue whilst ever the ground floor side elevation windows hereby approved remain.

Reason: To safeguard the privacy of the neighbouring occupants and to comply with policy UR3 (The Local Impact of Development) of the Replacement Unitary Development Plan 2005.

Area Planning Panel (Keighley)

11/04306/MAF

18 April 2012



© Crown copyright 2000. All rights reserved (SLA 100019304)

ITEM NO. : 3

LOCATION:
Warehouse Bridge
Bar Lane, Riddlesden
Keighley

18 April 2012

Item Number: 4
Ward: KEIGHLEY EAST

Recommendation:
THIS ITEM WAS DEFERRED FROM A PREVIOUS PLANNING PANEL ON 22 MARCH 2012
TO GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 AGREEMENT

Application Number:
11/04306/MAF

Type of Application/Proposal and Address:

Full planning application for demolition of warehouse building 'C' and construction of fourteen 3 and 4-bedroom houses, access road and parking areas on the site and the adjoining undeveloped land to the east at land and warehouse at Bar Lane, Keighley.

Applicant:
LCD Yorkshire Ltd

Agent:
J O Steel

Site Description:

An elongated site abutting the Leeds Liverpool canal. It is in two sections stretching a total of 185 metres along the canal towpath. The western part is occupied by a large multi-storey canal warehouse abutting the Leeds Liverpool canal. It is not listed but is a key unlisted building in the Leeds Liverpool canal conservation area. Unusually for the Keighley area, the warehouse is built in brick and has an asbestos sheet roof. Across the canal to the north are gardens of semi detached houses on Granby Drive. Set below the warehouse to the south is a row of 1950s town houses at Smithville with a rear access serving these that runs adjacent to the access serving the warehouse.

The eastern part of the site is open, undeveloped land serving as an access to some industrial workshops and a chandlery and serving four lock-up garages and the backs of 4 houses on Hall Terrace. Vehicular access is via an unmade drive from Bradford Road. The open land continues along the back of houses on Altar Villas which are set slightly below the level of the site. A smaller warehouse/workshop stands at the eastern end of the open land and is retained by British Waterways.

Relevant Site History:

Canal Warehouse

01/02962/FUL – Conversion of warehouses to form flats and houses and construction of new houses and formation of access roads. Granted 11.4.03

08/01304/FUL – Conversion of warehouse into 42 residential apartments. Granted 10.4.08

11/00604/MAF - Renewal of permission 08/01304/FUL dated 10/04/2008: Conversion of warehouse into 42 residential apartments. Granted 21.11.11

Land to rear of Hall Terrace

09/04930/FUL – Construction of 5 townhouses. Application withdrawn.

10/03401/FUL – Construction of 3 dwellings. Refused 2.11.10

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated on the RUDP Proposals Map

Proposals and Policies

UDP1 – Promoting sustainable patterns of development

UDP3 – Quality of build and natural environment

UDP7 - Reducing the need to travel/sustainable transport choices

UR2 - Sustainable development

UR3 – The local impact of development

UR6 - Use of conditions or S106 agreements to resolve obstacles to planning permission

TM2 - Impact of Traffic and its Mitigation

TM12 - Car Parking Provision

TM19A – Traffic and road safety

D1 - General Design Considerations

D4 - Community Safety

D5 - Landscaping

BH7 - New Development in Conservation Areas

BH11 - Space about buildings in Conservation Areas

BH20 - The Leeds and Liverpool Canal

CF2 - Educational contributions in New Residential Developments

OS5 - Provision of recreation Open Space and Playing Fields in New development

NE9 - Other sites of Landscape or wildlife interest

The Draft National Planning Policy Framework (DNPPF):

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Draft Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Keighley Town Council recommends approval as long as highway conditions are met.

Publicity and Number of Representations:

Advertised as major development and development in a conservation area and publicised by neighbour notification letters expiring 10 November 2011.

87 objections received.

23 letters/emails of support received.

Summary of Representations Received:

Representations of support

1. Residents of Smithville will be pleased to see the domineering warehouse demolished and replaced with housing as it towers over our rooftops and makes us especially vulnerable (to crime).
2. The warehouse is desolate, overgrown, unkempt and the proposals to replace it would breathe new life into Riddlesden. Residents support an application such as this which would get rid of the redundant warehouse building that has not been used for years, has no benefit to the local community, is a great eyesore and whose removal will vastly improve the area. It will no longer become a playground for local youths.
3. These residents are concerned that the planning applications are opposed by people who live in other parts of the country and are having a say about what happens on the doorstep of Riddlesden people.
4. The proposed plans for 14 residences offer a high standard of living accommodation much needed in this area. There are many existing waterside dwellings along the Leeds/Liverpool canal which have already been developed from rundown and unsightly buildings and which have created a desirable lifestyle and much improved community.
5. The houses would be more in keeping with the newer buildings on the other side of bridge. This proposal would be a visual improvement to the canal - the warehouse looks very rundown and a blight on the area.
6. The new houses would totally have a positive impact in every aspect, visually, new homes created, local jobs, plus the warehouse will be gone.
7. The development of 14 houses would have less impact in terms of the amount of cars using Bar Lane than existing plans that are approved for conversion of the warehouse to 42 flats.

Representations of objection

1. Inappropriate design that is totally out of keeping with the character of the conservation area and surrounding housing.
2. The road system through the site will develop into a rat run to avoid the canal swing bridges on Bar Lane and Granby Lane and avoid the Bar Lane/Bradford Road junction. The drop down bollards will not work and the road will become a rat run as the owners of the houses will have control over them and can choose which entrance/exit they want.
3. Previous applications for houses taking access to Bradford Road were rejected due to poor visibility. Access to Bradford Road is dangerous.
4. Overlooking of properties from proposed roof terraces. The balconies and windows on the houses will result in overlooking of neighbouring houses and gardens, including those across the canal on Granby Drive.
5. At the eastern end the scheme will affect existing business called Puffer Parts which is one of the only true chandleries on the Leeds Liverpool canal. It will cause difficulties of access, deliveries and parking for customers and prevent access to existing

- garaging/storage and no provision is made for customer parking. Small businesses are struggling already at the moment.
6. The new steps enclosed within a brick wall, further restrict the views of the Chandlery business to boaters. As a condition of getting planning approval, the developer should erect a sign of agreed design alerting canal users to the existence of the business and giving directions to it.
 7. Loss of canal mooring spaces and likely conflicts between canal barges and new residents due to close proximity to the towpath. The development will leave space for only three moorings clear of housing, discouraging boaters from stopping and visiting local shops and attractions such as East Riddlesden Hall. There are few similar moorings in the area, where services and shops are so close at hand, and a reduction in such moorings could have an adverse effect on leisure use of the canal in this area.
 8. The canal towpath will be narrowed, made darker by the solid wall of the new housing and will become less pleasant to use. Lack of width will increase conflicts between towpath users. The width of the towpath should be maintained.
 9. The scheme causes encroachment and excavation towards the canal bank and the implications of this are not covered in the submitted material. The plans show the towpath being narrowed which could weaken the canal walls and cause breaching and flooding.
 10. Concerns about disruption to residents during construction work.
 11. Obstruction of access to house on Hall Terrace and the adjacent garages at Excelsior Works. There is no provision for residents of Hall Terrace to park anywhere. The road will be so narrow – how will emergency vehicles gain access? Access will be restricted for even basic tasks such as unloading shopping.
 12. Stockbridge was an important canal centre, with extensive warehousing. The current proposals do not reflect this, especially as it is proposed to demolish the brick warehouse which will take away another part of the waterways heritage
 13. The drawings are misleading.

Consultations:

Council Conservation Officer : The warehouse is one of two brick warehouses in this part of Riddlesden. It is a key unlisted building in the conservation area providing historic evidence of the past transport function of the canal. Conversion would be the preferred approach, but the Conservation Officer acknowledges that this is unlikely to be realised for the substantial future. Loss of the warehouse is regrettable but is offset by a new development that has architectural merit and has built form appropriate to its location. The contemporary design approach taken by the scheme architects is supported. The form of the new housing has interest and variety when viewed from all aspects. Alternative building forms would have a greater adverse effect or would be unsympathetic. The merit of the proposal is sufficient to offset the harm arising from loss of the warehouse and the character and appearance of the conservation area will be maintained by the quality of the new housing development.

Highways DC : No objections are raised. Conditions should be imposed on any approval to secure implementation of the indicated means of access, turning area, parking provision and to remove permitted development rights to convert integral garages.

British Waterways : Considers the new application to overcome its objections to application 10/03401/FUL which failed to preserve or enhance the character of the canal corridor and also restricted access to the towpath. However, the scheme has potential impacts on the structural integrity of the canal and it notes that the footprint of the houses to the east end

(Units 7-14) encroach into the canal embankment. British Waterways confirms this land was sold in 2003 subject to covenants requiring a developer/owner to meet various BW requirements should any work be carried out near the canal. However, the originally submitted material contained insufficient detail of excavation works and foundations to determine the likely impact of the scheme on the canal infrastructure.

Council's Structural Engineer

Further to the receipt of additional information on the 17th February regarding the temporary support to the canal during the proposed construction I make the following comments:- The principal of using sheet pile construction to provide support to the canal is an accepted procedure providing British Waterways have no objections. Conditions would need to be attached to any approval requesting site investigation reports and detailed design of the sheet pile retaining wall to be submitted for comments prior to work commencing on site. The site investigation report should include a Coal Authority report to clarify the position of the mineshaft although this is anticipated to be in the vicinity of the means of access not the buildings.

Yorkshire Water : Drain using separate systems of drainage for foul and surface water. Details of proposed means of foul and surface water drainage including details of balancing works and off site works need to be approved.

Drainage Services : Separate foul and surface water drainage; protection of sewer crossing end of site; car parking to be drained using road type gullies.

Department of Children's Services

Request contributions of £24,039 (Primary) and £22,445(Secondary) (Total £46,486) towards Primary and Secondary educational resources as all schools serving this area are now full.

Department of Sport and Leisure

In lieu of public open space provision on the site, the developer should contribute £14,622 to be used towards provision and enhancement of recreation facilities in the vicinity of the site.

Metro

Developer should fund Bus Only Travel cards for each property at current price of £5890.50.

Summary of Main Issues:

1. Principle of development on the site and history of applications on the land.
2. Impact on character and appearance of Leeds Liverpool Canal conservation area.
3. New Housing – scale design and materials
4. Impact on amenity of occupiers of adjoining properties
5. Impact on the canalside and canal businesses
6. Highway safety access and parking issues
7. Structural integrity of the canal
8. Bats
9. S106 infrastructure contributions

Appraisal:

1. Principle of development on the site/previous applications.

The site is previously developed land and, as can be seen in the site history, there is an established planning permission for conversion of the existing warehouse building for

residential purposes. The 2008 permission approved its conversion to 42 apartments and the period for implementation of this permission was extended in 2011.

The vacant land between the canal and the chandlery and houses on Hall Terrace has a history of recent refusals due to the physical and highway constraints to developing this site in isolation. It was considered that this would be piecemeal development of a cramped plot but encouragement was given to the applicant to consider using the open land he had acquired in conjunction with the scheme for the conversion of the adjacent warehouse.

In principle, development of the land for residential purposes would be compatible with the surrounding area providing infrastructure constraints can be overcome, the amenity of adjoining residents is protected and the character and appearance of the conservation area is maintained.

2. Impact on the character and appearance of the Leeds Liverpool Canal Conservation Area

Demolition of the warehouse

The warehouse is one of two brick warehouses in this part of Riddlesden. It is a key unlisted building in the conservation area providing historic evidence of the past transport function of the canal. Planning permission has previously been granted for its conversion to 42 apartments. Of great significance is the fact that the other brick warehouse along the canal to the west was converted to apartments some years ago. The applicant argues that this has met any demand in Riddlesden for apartments and that bringing 42 more apartments onto the limited local market would be unviable. The Council's Conservation Officer says that conversion of the warehouse would have been the preferred approach, but the applicant's points about the viability of such a scheme are fully appreciated. Quite simply, the agent argues that there is no demand for further apartments on the canal side and any other uses for the building would be unrealistic or unacceptable due to the cramped nature of the site.

The Council's Conservation Officer therefore acknowledges that conversion to housing is unlikely to be realised for the substantial future and that other forms of re-use of such a large, awkwardly located building would be also be unrealistic. The proposal for demolition of the warehouse is regrettable but is offset by a new development that has architectural merit and a built form appropriate to its location. The merit of the proposal is considered sufficient to offset the harm arising from loss of the warehouse and the character and appearance of the conservation area, although changed locally, will be maintained by the quality and visual interest of the new housing development.

In addition there is significant local support to demolition, particularly from the occupiers of houses on Smithville whose homes are dominated by the imposing mass of the brick warehouse. These residents argue that the warehouse has been deteriorating for some years and presents an eyesore to their houses and the canalised. This is accepted as a strong additional factor in favour of permitting demolition.

3. Scale, design and materials of the 14 new houses

The proposal is for 14 linked houses built in two linear blocks of 7 following the back of the canal towpath. The height would be 2 and 3 storeys facing south towards Smithville and Altar Villas and the elevation abutting the canal would be two storeys rising to a height of 8.4 metres above the level of the towpath. Individual roof terraces would provide amenity space whilst adding to the visual variety and interest of the building blocks. Obscure glass panels

would screen views from these towards residents to the south. External walling would be natural stone, with proposed enclosure of external garden space also by stone walling. Mono-pitched roofs would be in natural blue slate.

Windows are shown on plans to be proposed in upvc with glass panels to upper storey balcony areas. The Conservation Officer advises that upvc is not an acceptable material and windows frames should be in aluminium. The success of the new development will depend on the quality of the materials and to this end, conditions are required to ensure use of appropriate stone walling and notwithstanding what is shown on the drawings to insist on use of aluminium window frames and downpipes.

Although some objectors have said the design is inappropriate and out of keeping, the Council's Planning and Conservation Officers disagree. The form of the new housing has interest and variety when viewed from all aspects and the design approach and strong contemporary design features employed by scheme architects is fully supported. Alternative more traditional building forms are likely to have less visual variety and appeal and would cause a greater adverse effect or would be unsympathetic to the conservation area. Instead, the variations in height add diversity to the canal and the contemporary design allows use of a mono-pitch roof that keeps the overall height of development down – with benefits to neighbouring residents and a less imposing impact on users of the canal towpath.

It is considered that the design of the houses is beneficial and appropriate to the character of the surrounding area and complementary to the character of the conservation area, satisfying requirements of policies D1 and BH7.

4. Impact on amenity of occupiers of adjoining properties

The new housing is substantially lower in height and of less physical mass than the existing canal warehouse. Submitted cross sections show that the new housing has a much less oppressive impact on adjoining properties on Smithville than would retention and conversion of the warehouse. In addition windows in the south facing elevations would be set some 8 metres further away from windows in Smithville than the windows in the warehouse, giving a separation of around 20 metres between habitable room windows. Along this western section of the site there will be significant benefits to the amenity, outlook, daylight and privacy of occupants of houses on Smithville and it is relevant that several letters of support have been received from these residents who are pleased with the proposals.

Although objections have been received against the proposals from occupiers of houses on Granby Drive whose gardens run down to the canal, a separation of around 19 metres is maintained between both habitable room windows and the roof terraces of the new dwellings and the nearest parts of the gardens abutting the north bank of the canal. The roof terraces forming an integral part of the design of the new houses are designed to provide amenity space for future residents. They would afford views across the canal but it is not accepted that they harm the privacy of occupiers of the properties on Granby Drive to any significant degree given that the canal and canal towpath separate the two and already allow views into these gardens from passers by.

Towards the eastern end of the site, one section of the row of new houses faces towards the back elevations of the houses forming Altar Villas. However, a separation of between 17 and 24 metres is retained between the new and existing properties and it is not considered that the new development would significantly affect the privacy or outlook of occupiers of these

houses. The proposed raised terraces providing amenity space would have obscure glass screens preventing views towards houses to the north, thus maintaining privacy.

The new housing stops short of the dwellings forming Hall Terrace so, unlike the previously refused proposal on this section of the site (10/03401/FUL) the scheme avoids any direct overlooking or dominance of the back elevation windows of these properties and it is considered that the amenity of occupiers of hall terrace is appropriately maintained.

5. Impact on the canalside and canalside businesses

A substantial number of the objections have been submitted on behalf of the Puffer Parts Chandlery business and by boat users on the canal. These objections are on grounds that the new housing would cut off access between the chandlery and the towpath, that the residential access would obstruct vehicular and delivery access to that business and that the number of usable moorings next to the towpath, which provide a useful stopping point for visitors to East Riddlesden Hall and local businesses, would be reduced.

These points are noted and it is accepted that the houses (Units 7-14) extending beyond the footprint of the warehouse will affect the present open aspect towards the canal. This is inevitable due to the narrow, linear nature of the site. However, the canalside includes a variety of environments including places where the towpath is unenclosed and others where it is hemmed in by buildings. Overall it is not accepted that further enclosure of the towpath at this locality would be unacceptable given the other benefits of the scheme. The impact is partly mitigated by the interesting and innovative building design that will be fronting the canal

It is also considered that amendments have addressed concerns about turning and delivery space to the garages and for the chandlery business.

Also to reduce the impact, amended plans have been tabled which retain a stepped access to the canal towpath and part of the existing grassed embankment abutting the towpath at the east end of the site. It has been suggested that sympathetic signage for the chandlery could be installed on this land. The housing scheme would certainly reduce the visibility of the chandlery to some extent but retention of a stepped access and preserving views of the chandlery from the east are considered to partly mitigate this impact. Given the other benefits of the scheme it is not considered that these impacts are so significant as to justify refusal of the proposals.

To address the Council's Landscape Architect concerns about the new steps opening directly onto the towpath and making pedestrians vulnerable to collision with cyclists, a short landing giving visibility in both directions is now incorporated on the amended layout plan.

6. Highway safety/access and parking

Although objections have been received on the grounds of highway impact, a scheme of 14 houses will clearly generate less traffic than the previous conversion scheme for 42 flats.

The means of access to the new development would be from Bar Lane via the recently constructed residential access serving new housing immediately to the west of the canal warehouse. Here there is an existing turning head. The access would be a shared surface access 4.8 metres wide between service margins. A turning head would be provided between Units 6 and 7. beyond this a private drive access of width varying between 3.7m and 5.7m would serve Units 7-14. The design of this access follows Highway officer advice.

The Highway officer was concerned not to create a two way through route between bar lane and Bradford Road so it is designed to permit only one-way traffic to exit the site towards Hall Terrace in a westerly direction. The proposals include a remotely operated drop down barrier/bollard to prevent the route becoming a “rat run” beyond Unit 7 as feared by objectors.

Each of the dwellings is provided with an integral garage and there are hard standings in front of 7 of the 14 houses with parking spaces alongside the access for the other 7 dwellings. There are also 6 spaces for visitors. This provision is in excess of the 150% parking that might be allowed, but an overprovision is justified and will be beneficial given concerns of local residents about congestion and the needs of the canalside businesses.

The Council’s Highway Officer has no objections in principle to the development and raises no objections to the design of the means of access or the parking provision. Standard conditions to secure provision of the access, turning and parking facilities are recommended, together with a need to reserve agreement of the details and signage of the proposed one-way system on the private drive.

7. Stability of the canal

As well as proposing to dismantle the existing warehouse which abuts the canal towpath, in order to accommodate Units 7-14 and the associated parking and turning facilities, the scheme involves removal of about 2-3 metres of the open section of embankment that supports the canal. While not opposed to this in principle, British Waterways and some residents expressed serious concerns about the absence of any detail from the applicant regarding how this would be carried out without weakening the canal retaining structure and causing a potential breach.

Consequently, the applicant was asked for further details to satisfy the Council’s Structural Engineer and British Waterways. A Methodology dated 13 January 2012 for dismantling the warehouse proposes measures to retain existing supporting structures to the canalside and explains how the walls to the new housing would then be constructed off the existing slab with the north wall and buttressing by party walls then forming the support to the canal. This Methodology has been subject to further clarifications and is acceptable to the Council’s Structural engineer.

A revised and more robust Methodology for excavation into the open canal embankment and for securing its stability through sheet piling has also now been received. The Council’s Senior Structural Engineer confirms that this will be an acceptable procedure providing British Waterways has no objections. Conditions need to be imposed requiring further site investigation reports and details of design of the piling, together with details of a scheme for monitoring the impact of piling during its execution.

The Council’s Structural Engineer has identified a need for further information regarding treatment of the stone retaining wall along the boundary with residential properties that would be adjacent to the proposed means of access, and to establish that a mine shaft indicated on historic maps will not present a problem to construction. It is considered that these matters can be dealt with by conditions.

The two Method Statements now deal appropriately with the stability of canal infrastructure. It is proposed to impose conditions to require work to proceed in strict accordance with the

approved methodology and to conditions to secure submission of further information as advised by the Council's Structural Engineer.

In addition, it is noted that British Waterways is able to enforce its own restrictive covenants imposed on the land and that the work will be subject to the Party Wall Act. These will be further safeguards to ensure canal stability.

8. Bats

The application is accompanied by a bat survey undertaken by a specialist consultant in July 2011 at an optimal time and in optimal conditions for detection of bat roosts. However, bats were found to be absent from the warehouse building. Nevertheless because bats are mobile mammals the report advises a precautionary approach to dismantling the warehouse roof and recommends enhancements to improve the suitability of the new development as habitat for bats such as providing 2 roost boxes - to be attached to the walls of the dwellings. Given the absence of bats, the proposals make adequate provision for safeguarding protected species and permission can be granted subject to a condition to require adherence to the mitigation methods and provision of roost boxes recommended in the consultants' report.

9. Section 106 Infrastructure Contributions

The new housing proposals would result in an increased demand for educational facilities that cannot be met by existing schools and colleges and no provision is made within the site to meet recreation open space needs in line with RUDP Policy OS5. Therefore in accordance with Policy UR6 of the RUDP, this development would require S.106 contributions towards new and extended school facilities; to the enhancement of nearby recreation space and towards a discounted Metro card scheme for future residents.

Consultation advice suggests contributions as follows:

Education contribution : £46, 484 (towards both Secondary and Primary Schools)

Recreation contribution : £14, 622

Metro Card Scheme : £5, 890. 50

Total : £66, 996. 50

Although initially presenting an undertaking to pay the Council's legal costs in respect of any necessary S.106 agreement, the applicant is now unwilling to make contributions claiming that due to economic reasons, most notably (i) the development constraints of the site which includes the warehouse demolition and canal retention works, (ii) the high quality design solutions proposed in order to protect and enhance the important canal side conservation, and (ii) current economic conditions, it is not financially viable to provide development contributions. A financial appraisal has been submitted justifying the case for making no infrastructure contributions.

A report to the Council's Regulatory and Appeals Committee on December 7th 2009 recognised the impact of S.106 obligations on scheme delivery in the recession. The potential advantages of the application proposal at Riddlesden, would be largely localised. The scheme does not fall within the types of development for which the Council might consider a complete waiver of S.106 contributions. Such exemptions would ordinarily only apply to major investment proposals such as those in the city centre or strategically acknowledged sites that would provide clear and 'catalytic' regeneration benefits for the economy. For other schemes, the Council's procedure for negotiating new obligations

recognises that there may be occasions when such requirements impact on viability. In these cases, the Council will require an independently verifiable development appraisal that may justify reduced or deferred payment of contributions.

Advice from the Council's Economic Development Service on the applicant's financial appraisal has been sought. It is argued that there would be a financial loss if the S.106 amounts are demanded by the Council. The Council's Economic Development Officer accepts that viability is doubtful even without the S.106 contributions, and further to the work to demonstrate the robustness of proposals for the canal, a detailed assessment of costs for works to canal structures has now been submitted. This demonstrates an element of exceptional development costs which supports the applicant's arguments regarding viability. It is accepted that to secure development of this site, S. 106 contributions would further diminish the economic viability of the proposals and make them less likely to be bought forward.

However, in accordance with RUDP policy and the Regulatory and Appeals Committee resolution, it is still considered that the applicant should make appropriate contributions towards infrastructure should economic conditions change and the scheme make a profit. To achieve this it is proposed that the applicant should enter into a planning obligation including an "overage agreement" whereby payments would be made towards the infrastructure in the event that the development returns a profit in excess of an agreed percentage. Any profits over this level should be offered to the Council to fund the suggested contributions.

If profits are secured above the agreed level an amount would be offered to the Council to fund the community infrastructure discussed in the above report. It is considered that precedent for such an approach was set on a site at Whitley Street, Bingley (Planning application 1003113/FUL) which is also alongside the Leeds Liverpool canal and where it was agreed that development contributions would only be paid if the Gross development Yield exceeds 20% of the final development costs. To establish this, the S106 Agreement required the developer to submit an Interim Financial Appraisal before completion of the development so that profitability could be assessed and appropriate contributions secured if Gross Development yield allowed. At Whitley Street it was considered that the regeneration benefits and innovative design of the scheme were the paramount considerations and the need to secure development of the site justified the overage agreement.

It is considered that a similar type of agreement at Stockbridge Wharf will allow the Council to support a scheme which will have a part to play in providing new housing and encouraging the regeneration of the conservation area and the enhancement of conditions for many local residents, whilst also ensuring that appropriate contributions towards education, recreation open space and/or Metro if financial circumstances allow whilst the development is being undertaken. It is proposed to also require contributions to become payable if the Gross development yield exceeds 20% of the Final Development Costs. It is considered that, provided an overage agreement is successfully concluded, the proposal is acceptable and will provide the opportunity to bring an important, highly visible and constrained canal side conservation area site into beneficial use with an appropriate housing scheme.

Heads of terms for Section106 Agreement

To secure recreation open space and education contributions and metro cards as set out above but subject to the Council covenanting that such contributions, or part thereof shall become payable by the developer only if the Gross Development Yield exceeds 20% of the final development costs - to be established by submission of an Interim Financial Appraisal towards completion of the development. (An "overage" agreement).

Community Safety Implications:

None foreseen, though note is made of concerns of supporters regarding the present vulnerability of neighbouring properties to anti-social activity in the disused warehouse.

Reason for Granting Planning Permission:

The loss of the Heritage Asset comprising the canal warehouse is considered acceptable in view of the lack of realistic prospects for its conversion and the benefits that will be derived from alternative redevelopment of this site with an appropriately designed contemporary residential scheme. This will provide for the beneficial reuse of a vacant and visually unattractive site. The effect of the proposal on the conservation area, the surrounding locality and the adjacent neighbouring properties has been assessed and is acceptable, with the scheme protecting and enhancing the conservation area and the canal waterfront. The proposed means of access is appropriate and appropriate parking provision has been made. As such, the proposal is in conformity with the principles outlined within the Replacement Unitary Development Plan and, subject to appropriate conditions, with policies UDP1, UDP3, UDP7, UR2, UR3, TM2, TM12, TM19A, D1, D4, D5, BH7, BH20 and NE9.

Conditions of Approval/Reasons for Refusal:

1. The development hereby approved shall only be carried out in accordance with the approved plan(s) listed below:

L(P)001 - Existing Site Plan and Elevation
L(P)002 REVISION D dated 27/02/12 - Proposed Location and Site Plan
L(P)003 - Proposed Site Sections
L(P)004 REVISION A dated 30/11/11 - Proposed Canal Elevations - North
L(P)005 REVISION B dated 01/03/12 - Proposed Street Elevations - South
L(P)006 REVISION A dated 30/11/11 - Proposed End Elevations A&B
L(P)007 REVISION A dated 30/11/11 - Proposed End Elevations C&D
L(P)008 Proposed House Type - 3 Bed
L(P)009 Proposed House Type - 4 Bed
L(P)010 Proposed Visuals
sk090112 topographical drawing

Received by the Council on 14/09/11, 05/12/11, 27/02/12 and 01/03/11

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

2. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

3. Before any part of the development is brought into use, the vehicle turning areas shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

4. Before development commences, details of signing arrangements for the proposed one way system for the private drive together with details of the remotely operated drop-down bollard mechanism indicated on the approved layout plan shall be submitted to, and approved in writing by the Local Planning Authority. The approved details and signage shall be installed before the dwellings are occupied.

Reason : To ensure that the means of ensuring one-way working is effective and clear to users. In the interest of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

5. Before the development is brought into use, the garaging and off street car parking facilities shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient of the parking spaces shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

6. The development hereby approved shall be constructed using coursed natural walling stone and natural blue roofing slates as specified on the approved drawings. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to safeguard the appearance of the Conservation Area in which it is located and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

7. Notwithstanding details shown on the approved drawings, the windows for each dwelling shall be aluminium framed and finished in a colour to be agreed in writing by the Local Planning Authority prior to the commencement of

development. The development shall be constructed in accordance with these approved details and all windows throughout the development shall be so retained.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to safeguard the appearance of the conservation areas in which the site is located and to accord with policies UR3, D1, BH7 and BH20 of the Replacement Unitary Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) the integral garages or carports comprised within the development shall be retained solely for vehicles and none shall be converted to habitable accommodation or used for storage purposes without the prior written permission of the Local Planning Authority.

Reason: To ensure that the development is provided with sufficient off street parking facilities in the interests of highway safety and the amenity of occupants of adjoining land and to accord with Policies TM12 and TM19A of the Replacement Unitary Development Plan.

9. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

10. The development shall not begin until details of a scheme for disposal of foul and surface water drainage, including details of any balancing works or off site works, have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

11. The existing warehouse shall be demolished and temporary measures to ensure the stability of the canal and canal towpath adjoining it shall be implemented in strict accordance with the Method Statements by Paul Waite Associates dated 13 and 24 January 2012 and with the supplementary drawings/sections 11169-C-SK01A; SK02; SK03 and SK04 dated 24.02.12. Thereafter, the new dwellings shall be constructed in accordance with the proposals for final construction of the dwellings and canal retention as set out in the Method Statements.

Reason : To ensure structural stability of the canal infrastructure during the works and to ensure a robust wall to the towpath in the long term. To accord with Policies UR3, BH20 and P6 of the Replacement Unitary Development Plan.

12. Prior to commencement of development, site/ground investigation reports and full details of the design of the sheet piling retaining system to the canalside shall be submitted to, and approved in writing by the Local Planning Authority. These details shall include measures for vibration monitoring and appropriate mitigation measures to protect the canal and adjoining houses and commercial buildings. The work shall then proceed in accordance with the details and methodology so approved.

Reason : To safeguard the structural stability of the canal and surrounding properties and their occupants in accordance with Policies UR3 and P6 of the RUDP.

13. Prior to the commencement of development, a site investigation report establishing the position of an historic mine shaft at the western end of the site, together with proposals for dealing with this feature as part of the development shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the mitigation measures so agreed.

Reason : In the interests of site stability to accord with Policy P6 of the RUDP.

14. Prior to the commencement of development, details of the level of the means of access in comparison with the low stone retaining wall along the southern boundary of the site with dwellings on Smithville and Altar Villas, together with measures to ensure the structural stability of this boundary wall shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the details and measures so agreed.

Reason : In the interests of site stability to accord with Policy P6 of the RUDP.

15. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

16. Development and demolition works comprising the approved development shall be carried out in accordance with the conclusions and recommendations contained in the submitted Bat Survey (reference 0102-11 Re 01) by BL Ecology Ltd. dated 12 August 2011. As recommended in that report, and unless otherwise agreed in writing by the Local Planning Authority, the demolition of the warehouse shall only take place in Autumn or Spring and in accordance with the precautionary approach and mitigation measures recommended in Section 5.4 of the survey report. Site enhancements, including the provision of 2 x roost boxes shall also be carried out in accordance with section 5.5 of the report prior to occupation of any of the new dwellings.

Reason : To safeguard bats and bat roosts that may exist on the site and to accord with Policy NE10 of the Replacement Unitary Development Plan.
