

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Date of Meeting	7 th June 2012
Application Number	E/2012/0443/FUL
Site Address	Former gasholder site, land adjacent The Wharf, Devizes
Proposal	Redevelopment to form 37 retirement apartments for older people including communal facilities, car parking and associated landscaping
Applicant	McCarthy & Stone Retirement Lifestyles Ltd.
Town/Parish Council	DEVIZES
Grid Ref	400310 161778
Type of application	Full Planning
Case Officer	Rob Parker

Reason for the application being considered by Committee

This application is being brought to Committee at the request of the Division Member, Cllr Carter.

1. PURPOSE OF REPORT

To consider the recommendation that planning permission be granted.

2. REPORT SUMMARY

The main issue in this case is whether or not the applicant has addressed the appeal inspector's concerns in respect of the height of the eastern block.

3. SITE DESCRIPTION

The application relates to the former gasholder site which lies adjacent to Devizes Wharf. The gasworks closed in 1955 but the two former gasholders survived until the 1990s. The site has been derelict since their removal. Covering an area of 0.37 hectares, the site has a frontage onto the Kennet & Avon Canal. To the east lies Devizes Wharf itself, dominated by its public car, slipway and The Wharf Theatre building. The site abuts Wadworths Brewery to the west and there is a barrel store building abutting the western boundary with the barrel handling yard beyond. Immediately to the south lies a car park for brewery employees and beyond that the Crown public house fronting onto New Park Street. Access to the site is via Devizes Wharf and the applicant has an easement across the Council's car park.

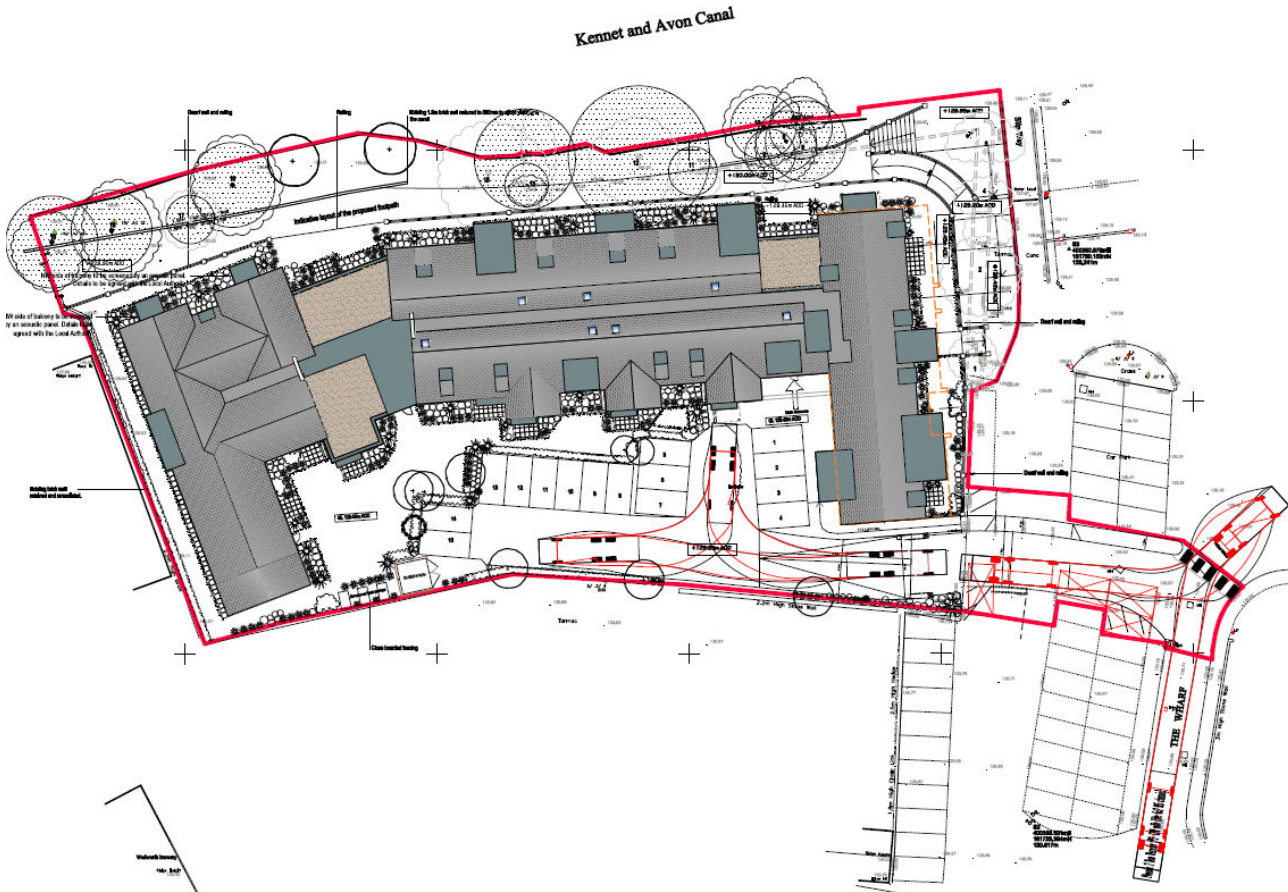
4. RELEVANT PLANNING HISTORY

K/41361 – Erection of 3 storey block of 42 retirement apartments, 24 parking spaces, associated landscaping, external works and creation of canalside walkway - Application withdrawn.

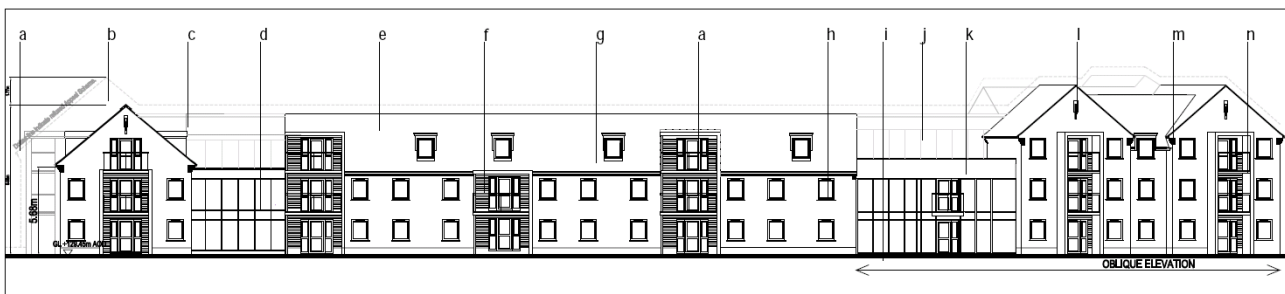
E/11/0057/FUL - Redevelopment to form 39 retirement apartments for older people including communal facilities, car parking and associated landscaping, planning permission refused and subsequent appeal dismissed on 24th November 2011 (see Inspector's decision letter included at Appendix 1).

5. THE PROPOSAL

The current application proposes the construction of 37 retirement apartments in three linked blocks. The blocks fronting onto The Wharf and canal would be 2½ storey whereas the western block (adjacent the Wadworths barrel yard) would be 3 storey. The buildings would be constructed of brick and natural slate with cedar cladding within metal framed balconies. The scheme would provide for a total of 15 car parking spaces and vehicle turning has been provided within the site. The development would safeguard the land for a section of canalside footpath along the site frontage, the intention being to link The Wharf to Lower Wharf and Bath Road.



Proposed Layout



North Elevation (facing the canal)



East Elevation facing The Wharf car park (Scheme dismissed on appeal)



East Elevation facing The Wharf car park (Current proposal)

6. PLANNING POLICY

Saved policies PD1, HC2, HC5, HC10, HC30, HC34, ED21, AT1, NR3 & NR4 of the Kennet Local Plan 2011 are relevant to the consideration of this application, as are the contents of the Devizes Strategic Brief.

Government policy contained in the National Planning Policy Framework (NPPF) is also a material consideration.

The contents of the emerging Wiltshire Core Strategy and Draft Devizes Wharf Planning Brief are also relevant, although it should be noted that the appeal inspector gave little weight to the Planning Brief because it was unadopted at the time of the appeal (this status is unchanged).

The Devizes Conservation Area Statement and Devizes Town Centre Design Code are material considerations.

7. CONSULTATIONS

Devizes Town Council – objects on the following grounds:

- a) It is an overdevelopment of the site in a conservation area;
- b) There is insufficient parking; and
- c) The proposed development is in isolation and should be seen as a whole.

British Waterways – no objections subject to suitably worded conditions and informatives.

English Heritage – The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's own specialist conservation advice.

Environment Agency - no objections subject to suitably worded conditions and informatives.

Wessex Water – no objections.

Wiltshire Council Archaeologist – no objections, subject to a planning condition to ensure that the watching brief is carried out in accordance with the submitted Written Scheme of Investigation.

Wiltshire Council Contaminated Land Officer – no objections in respect of the impact of the proposals upon human health.

Wiltshire Council Ecologist – no objections subject to the following:

- A condition to secure a Construction Environmental Management Plan, to include measures to avoid impacts upon protected species;
- A condition requiring the provisions of the submitted Habitat Management and Biodiversity Strategy to be implemented in full;
- A condition requiring the submission and approval of a sensitive lighting scheme for the development, including a lux plot;
- A planning obligation for £8,000 to provide compensation for unavoidable biodiversity losses (to be implemented by British Waterways).

Wiltshire Council Environmental Health – makes the following comments:

- The Environmental Health Officer expresses disappointment that the applicants have not taken the intervening time since the planning appeal to consider the comfort of their customers, the future residents of the development, in order to come up with a better design that takes into account the working environment in which the building will be located.
- The Inspector's comments are noted; however, the Environmental Health Officer remains of the opinion that residents are likely to suffer detriment to their amenity and possible nuisance from the activities of neighbouring businesses. If consent is granted the applicant should make its customers aware of the nature of the locality that they will be moving to.
- The noise mitigation measures recommended by the applicant's acoustic consultant should be secured by planning condition, if consent is granted. Conditions should also be used to secure the measures contained in the submitted Construction Method Statement in relation to the control of noise, dust, bonfires and other sources of complaint and hours of work.

Wiltshire Council Highways – no objections subject to conditions.

Wiltshire Fire & Rescue Service – standard guidance letter regarding fire appliance / firefighting access, water supplies for firefighting and domestic sprinkler protection.

8. PUBLICITY

Three objections have been received on the following grounds:

- a) The proposal is for an ugly building which would be out of character with the Wharf area. The building still looks like a prison from the canal side.

- b) The building is still too high and its scale will dominate the area and neighbouring buildings. The design is very oppressive and no effort has been made to integrate the development into the surrounding area.
- c) The use of the site for sheltered housing will remove a large area which could be used for commercial and tourism uses, thus prejudicing the town's economic future.
- d) The scheme makes inadequate provision for car parking.
- e) The site should be considered as part of The Wharf as a whole; to approve the current scheme will prejudice implementation of the Devizes Wharf Planning Brief.
- f) The development would be harmful to the settings of nearby listed buildings, namely The Pill Box, The Wharf Bridge and Kennet Lock.
- g) It is vital that existing trees are retained to protect the green canal corridor. There may be pressure to remove trees from future residents wanting a view of the canal.
- h) Occupiers of the development may be affected by noise from Wadworths and the public house adjacent. This could have serious implications for an important local employer.
- i) Concern is expressed regarding the proposals to fix shut certain windows and the objector queries whether the proposals will include air conditioning for residents.

The Trust for Devizes has submitted a comprehensive letter of objection which is included at Appendix 2 of this agenda. The Trust objects on the grounds that the proposal does not properly address the concerns it raised on the previous proposal (E/11/0057/FUL). It considers that the current application should be treated as a new application which should be considered in light of the Localism Act 2011, the recently published National Planning Policy Framework and the emerging Wiltshire Core Strategy and Devizes Wharf Planning Brief. Key objections to the original scheme included:

- a) The scale and massing of the buildings is not in sympathy with the conservation area. The architectural design is not satisfactory either in its overall concept or its detail.
- b) The scheme makes inadequate provision for car parking. Local public transport is not reliable or sustainable, and residents will be reliant upon the private car to access medical services.
- c) The proposal constitutes a gross overdevelopment of the site. This is evidenced by the lack of car parking and open space, plus the lack of parking/turning space for larger removal and delivery vehicles and emergency vehicles.
- d) The application conflicts with the Draft Devizes Wharf Planning Brief.
- e) The development makes no provision for renewable energy.

The Trust maintains these objections but makes the following additional comments in relation to the current scheme:

- f) The development blocks a significant potential "gateway" into the town from the canal system to the west that could be developed later. This proposal prevents a suitable development of that canal side enabling greater canal tourist access to the town from the major tourist attraction of Caen Hill Locks. This site ought to be part of the overall neighbourhood plan for the town's development in this area.

- g) The scheme will make it harder to achieve the Council's affordable housing objectives by making no on-site provision.
- h) The development has been marketed nationally and will therefore attract residents from outside Devizes, thereby increasing the burden on the already inadequate local General Practitioner provision.
- i) The additional demands on the drainage and sewerage systems are likely to cause downstream issues and bring forward the need for significant reinforcement of the drainage infrastructure.
- j) The development makes no provision for grey water recycling and the provision of air source heat pumps is tokenist.
- k) The development will take away some of the parking spaces currently available in The Wharf public car park.

9. PLANNING CONSIDERATIONS

9.1 Background

This application has been submitted following the dismissal on appeal of a similar scheme for the site (ref. E/11/0057/FUL). The current proposal seeks to address the Inspector's concerns.

The main differences between the schemes are as follows:

- The number of retirement units on the site has reduced from 39 to 37.
- The number of on-site parking spaces has increased from 13 to 15.
- The eastern block has been reduced in height by a total of 1.77 metres. This has been achieved through a 0.5m reduction in site levels and a 1.27m reduction in the ridge height of the building itself (from 10.95m to 9.68m).
- The gable span of the eastern block is reduced to achieve the ridge height reduction, and this has pulled the building away from the boundary with the public car park.
- The height of the central and western blocks has reduced by 0.5m, achieved through a reduction in site levels.

The applicants are maintaining their offer of planning obligations to the sum of £152,000 which was agreed previously by the Council and accepted by the Inspector. The contributions would be put towards affordable housing (£144,000) and ecology mitigation (£8,000). The former includes the £22,670 contribution which was originally proposed for adult sports and pitches - the Inspector considered that this would not have met the legal tests, so the applicants have allocated the monies to affordable housing instead.

9.2 Previous Refusal Reasons

Members will recall that the previous planning application (E/11/0057/FUL) was refused by the Committee on two grounds:

1. The design of the scheme and its proximity / relationship to the Crown public house and the adjacent brewery's barrel handling yard is likely to result in noise nuisance for future occupants of the development. This would conflict with policy PD1 (B.10) of the Kennet Local Plan 2011 and government policy contained in PPG24: 'Planning and Noise'.

The conflict between land uses may result in the Council having to take enforcement action for statutory nuisance under the Environmental Protection Act 1990; such action would

threaten the future viability of Wadworths brewery and its role as an important local employer and generator of local economic wealth. This would be contrary to the Government's overarching objective for sustainable economic growth as set out in PPS4 'Planning for Sustainable Economic Growth'.

2. The proposed development, by virtue of its design, scale, bulk, height and massing, would fail to preserve or enhance the character or appearance of the conservation area and would harm the setting of the Kennet & Avon Canal. The development fails to make a positive contribution to the character and local distinctiveness of the historic environment, contrary to policy HE7 of PPS5, and fails to take the opportunities available for improving the character and quality of the area contrary to PPS1. The proposal is therefore contrary to policy PD1 of the Kennet Local Plan 2011 and Supplementary Planning Guidance contained in the Devizes Conservation Area Statement and Devizes Town Centre Design Code.

9.3 The Appeal Inspector's Conclusions

The Inspector considered both refusal reasons and concluded that:

"... subject to suitable conditions, the effects from noise would be of concern but would not be so great as to amount to harm or conflict with the aims of Kennet District Local Plan (LP) Policy PD1 (B.10) or PPG24 or PPS4. However, although other aspects of the design would be acceptable, the excessive height of the eastern block roof would appear incongruous, harming the character and appearance of the canal setting, whilst failing to preserve or enhance the character or appearance of the Conservation Area. In this respect only, the proposal would conflict with the aims of LP Policy PD1, the Supplementary Planning Guidance set out in the Devizes Conservation Area Statement and the Devizes Town Centre Design Code as well as PPS1 and Policy HE7 of PPS5."

The Inspector highlighted "significant benefits" from the scheme, including "provision of needed housing for the elderly, an affordable housing contribution, utilisation of a long unused contaminated Brownfield site, economic and environmental benefits as well as potential public paths".

He listened to evidence from third parties at the appeal hearing in relation to their concerns about the inadequacy of car parking and the impact on local infrastructure. In respect of these issues he concluded as follows:

"... despite increasing numbers of elderly women drivers, given the views of the Highways Authority, the sustainable central location and the levels of car ownership amongst occupiers of similar schemes, I was not persuaded that the car parking provision would be inadequate. All other matters raised, including inadequacies in the local infrastructure, have been taken into account but do not, either individually or collectively, outweigh the main conclusions reached in this decision.

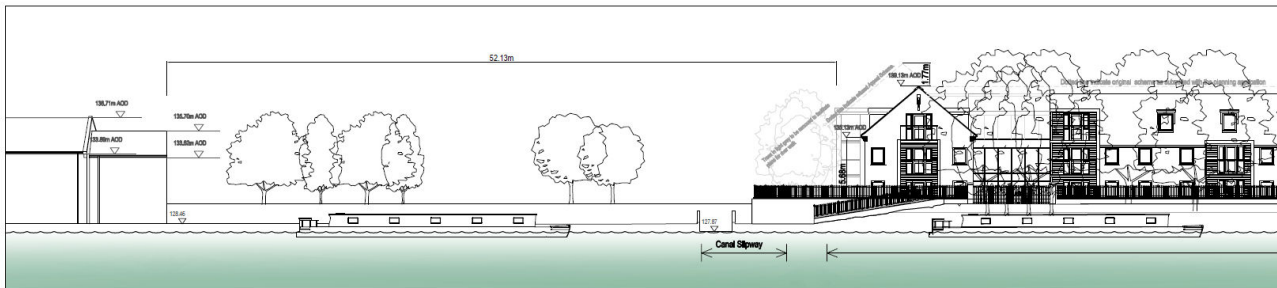
It should be noted that the Inspector's conclusions on the subject of car parking related to a development of 39 residential units with 13 parking spaces. The current proposals provide 15 spaces for a total of 37 units; this is an improvement over the appeal scheme.

It is clear from the above that the main issue was the height of the roof for the eastern block. The Inspector was satisfied with all other aspects of the design; in fact, he considered that "the proposed building would have a generally low-key contemporary design, using traditional materials, which would respond well to the traditional canalside industrial setting". He went on to consider the scale of the western and central blocks but concluded that they would not appear excessively tall in the context of the large scale brewery complex to the west. He further commented that "the relatively open surroundings would ensure that the relatively limited separation from the boundaries would not appear cramped". These comments confirm that the

Inspector was not concerned regarding overdevelopment, poor design or excessive scale and massing overall. The sole concern was with the height of the eastern block.

9.4 Assessment of Current Proposal

The amendments made to the scheme have resulted in a reduction in the height of the eastern block of 1.77m. This block remains 2½ storey - the inspector accepted that the two and half storey height of the eastern block would not in itself breach the Design Code and he commented that the eaves height would not appear excessive in the setting. The reductions have, in the view of your officers, successfully reduced the impact of the eastern block upon the conservation area and canal setting to the extent that the proposals are now considered acceptable. The reduction in the gable span of the eastern block, combined with its reduction in height, has improved the building's proportions and improved its relationship with The Wharf. The applicants have provided a useful elevation (extract below) which shows the development in context.



A-A Contextual Elevation across the canal looking toward the North Elevation

9.5 Response to Third Party Objection

The Trust for Devides objects on the grounds that the application does not properly address the concerns it raised previously. It believes that the current proposal should be treated as a new application which should be considered in light of the Localism Act 2011, the recently published National Planning Policy Framework and the emerging Wiltshire Core Strategy (which includes the Devides Wharf Planning Brief).

The Trust is perfectly correct in stating that this is a fresh application which should be treated on its own merits. However, the appeal decision is an important material consideration which must be taken into account. It would not be legitimate to introduce new issues or re-introduce old issues which have already been considered by the Inspector, unless there has been a change in circumstances since the appeal decision.

Members should note that the Council would be liable to an award of costs against it at appeal, if the Committee objects to elements of the scheme which the Inspector ruled to be acceptable or if it fails to determine application in a like manner – for example by imposing a spurious additional reason for refusal where circumstances have not materially changed. This would be considered as unreasonable behaviour (government advice in Circular 03/2009 refers).

Since the appeal decision the government has published the National Planning Policy Framework which supersedes the series of PPS and PPG documents. The Council has also consulted upon the Wiltshire Core Strategy which will eventually replace the Kennet Local Plan 2011. These documents are both relevant material considerations, and they need to be taken into account in the decision-making process.

The NPPF is an important material consideration which carries significant weight. The document was available in draft form at the time of the appeal and for this reason the Inspector gave it little weight. Now in its final form, the NPPF introduces a presumption in favour of sustainable

development, placing emphasis on the role of the planning system in supporting economic growth whilst at the same time securing higher social and environmental standards for everyone. The proposal to redevelop this town centre brownfield site accords with the thrust of government policy contained within the NPPF and it is not considered that a refusal of planning permission could be justified on the grounds of a change in national planning policy.

The emerging Wiltshire Core Strategy is a material consideration but the weight given to it will depend upon the stage it has reached in the preparation process and the extent to which unresolved objections to policies exist. The document is slightly more advanced than it was at the time of the appeal in that it has been through a public consultation process; however, it has not yet been subject to an examination in public and therefore the weight given to the Core Strategy is still limited. In any event, it is not considered that policies in the Core Strategy would support a refusal of planning permission for the current proposal.

The Devizes Wharf Planning Brief remains unadopted, and therefore it can be given limited weight. Notwithstanding this, it is not considered that the scheme would conflict with the contents of the brief. The document specifically recognises that The Wharf may not be developed as a whole and therefore it sets out the criteria for incremental development to allow for the current economic conditions and the numerous and varied landholdings within the area. The Inspector has already commented that 2½ storey development on the gasholder site would not conflict with the planning brief.

As regards the Localism Act, this does not in itself provide grounds for refusal of the current scheme. The opportunity exists under the new legislation for Devizes Town Council to lead the preparation of a neighbourhood plan, but the plan needs to be in place (and agreed through a local referendum) before it can be used in the planning process. It is not considered that the Council could legitimately refuse planning permission for the current proposal on the grounds of prematurity. In respect of the Trust's suggestion for the site to be used as a canal gateway, it is worth noting the Inspector's acceptance of the fact that other uses for the site were unlikely to be viable – it must be remembered that this is a contaminated site with abnormal costs associated with it.

It would be possible to address each and every issue raised in the Trust's latest objection. However, the fact is that the appeal inspector has already considered proposals to redevelop this site and has heard oral evidence from the Trust in relation to their objections. The Inspector has rejected the arguments in relation to the lack of car parking, possible alternative uses for the site and the scheme's design, scale & massing. These issues cannot be re-visited, except insofar as they relate to the Inspector's reasons for dismissing the appeal – i.e. the height of the eastern block. This issue should be the focus for the Committee's deliberations.

RECOMMENDATION:

Defer and delegate to officers to GRANT planning permission, subject to the applicant entering into a S106 legal agreement to safeguard land for the canalside public footpath and to secure a contribution of £152,000 towards affordable housing (£144,000) and ecology mitigation (£8,000).

For the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and would also give rise to significant benefits including provision of needed housing for the elderly, an affordable housing contribution, utilisation of a long unused contaminated Brownfield site, economic and environmental benefits as well as potential public paths. In reaching its decision the local planning authority has had regard to the following:

- a) Policies PD1, HC2, HC5, HC10, HC30, HC34, ED21, AT1, NR3 & NR4 of the Kennet Local Plan 2011;

- b) Devizes Strategic Brief;
- c) Devizes Conservation Area Statement;
- d) Devizes Town Centre Design Code;
- e) Government policy contained in the National Planning Policy Framework (NPPF);
- f) Emerging Wiltshire Core Strategy; and
- g) Draft Devizes Wharf Planning Brief.

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development shall be constructed in accordance with the finished floor levels (129.66m AOD) shown on Drawing no. A01-1712-103 received on 5th April 2012.

REASON:

In the interests of visual amenity and the character and appearance of the conservation area.

3. Notwithstanding the submitted details, no development shall commence on site until samples of the materials to be used for the external walls and roofs 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:

In the interests of visual amenity and the character and appearance of the conservation area.

4. No development shall commence on site until details and large scale working drawings of the following have been submitted to and approved in writing by the Local Planning Authority:

- Eaves and verges
- Doors and windows (including details of heads, sills, reveals and finishes)
- Rainwater goods
- Dormers and balconies (including details of materials and samples if requested)
- Glazing for the links (including elevations showing clear / tinted / opaque / blanking sections of glass)
- Wrought iron feature gable ornaments

Development shall be carried out in accordance with the approved details.

REASON:

In the interests of visual amenity and the character and appearance of the conservation area.

5. No development shall commence on site until details of all boundary treatments (including elevational drawings, samples of materials, details of copings and brick bond for walls and details of decorative finishes for fencing / railings) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied.

REASON:

In the interests of visual amenity and the character and appearance of the conservation area.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON:

To ensure a satisfactory landscaped setting for the development and to enhance foraging opportunities for wildlife.

7. No development shall commence on site until a landscape management plan for the area adjacent to the boundary of the canal (including the land identified for the canalside footpath) has been submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented in accordance with the approved details.

REASON:

To ensure a satisfactory landscaped setting for the development and to preserve foraging opportunities for wildlife.

8. None of the dwelling units hereby permitted shall be occupied by any person who is less than 60 years of age, except in the case of two persons sharing an apartment, one occupant shall not be less than 60 years of age and the other not less than 55 years of age.

REASON:

The application has been considered on the basis of occupation by elderly persons and the Local Planning Authority wishes to consider any future changes to occupation of the building.

9. Development shall be carried out with an archaeological watching brief during construction works, in accordance with the Written Scheme of Investigation for Archaeological Works (CgMs Ref: WB/11443 Dated: April 2012) received on 20th April 2012.

REASON:

To enable the recording of any matters of archaeological interest.

10. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified;

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON

To ensure protection of groundwater.

11. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON

The site is known to be contaminated and without adequate investigation, risk assessment and remediation it may present an unacceptable risk to controlled waters.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

REASON

No site investigation can identify all contamination and any unexpected contamination that is identified will need to properly addressed in order to avoid unacceptable risks to controlled waters.

13. No piling or any other foundation designs using penetrative methods shall be used without the express written consent of the Local Planning Authority. Consent will only be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

REASON

The site is known to be contaminated and piling may present an unacceptable risk to controlled waters.

14. There shall be no infiltration of surface water drainage into the ground other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON

Infiltration of surface water may mobilise contaminants resulting in an unacceptable risk to controlled waters.

15. No part of the development hereby permitted shall be occupied until the surface water drainage system has been constructed in accordance with the details shown on drawing no. 50442-01 Rev E and contained within the submitted Foul and Surface Water Drainage Strategy (April 2012). All surface water arising from the car parking and vehicle turning areas shall pass through an oil interceptor before being discharged into the canal.

REASON:

To ensure satisfactory surface water drainage and to prevent pollution of the canal and controlled waters.

16. No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable. The Construction Environmental Management Plan shall include measures:
- a) To prevent damage to the waterway infrastructure from parked and moving vehicles within close proximity to the canal;
 - b) To prevent pollution of the waterway during the construction phase (including the result of further investigations of the existing drainage on site to ensure that no direct pathways exist leading to the canal which could result in pollution and subsequent loss of water quality;
 - c) To prevent disruption to the use of the adjacent public car park during construction; and
 - d) To avoid negative impacts upon protected species.

REASON

To prevent pollution of the water environment, harm to protected species and disruption to the adjacent public car park and waterway.

17. No part of the development hereby approved shall be first occupied until the parking area (15 spaces) and turning space shown on the approved layout plan (A01-1712-02) has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON:

To ensure that adequate provision is made for parking within the site in the interests of highway safety.

18. Before any part of the development hereby permitted is first occupied the new pedestrian access / footway across the public car park (shown between the site entrance and The Wharf on drawing no. A01-1712-102) shall be constructed and the associated alterations to the car park carried out, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

REASON:

In the interests of pedestrian safety.

19. The development hereby permitted shall not be occupied until three cycle stands have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a manufacturer's specification for the stands and a plan showing their location. The stands shall be retained for use by the residents of the development at all times thereafter.

REASON:

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

20. The ground floor room shown on drawing no. A01-1712-03 as a 'Mobility Scooter Cycle Store' shall be retained for use by residents of the development as a secure store for bicycles and mobility scooters. Facility shall be provided within the room to lock bicycles to a secure part of the building's fabric or a secure bracket / stand provided for the purpose.

REASON:

To ensure that satisfactory facilities are provided for secure covered cycle parking and to encourage travel by means other than the private car.

21. Development shall be carried out strictly in accordance with the submitted Habitat Management and Biodiversity Strategy (ref. E0911101051 vs3) received on 5th April 2012.

REASON:

To compensate for the loss of wildlife habitat on the site.

22. No external lighting shall be erected on the site unless details of that lighting (including a plan showing the locations for individual lights, the type of light appliance, the height and position of fitting, illumination levels and light spillage and details of foundations for any lighting poles/bollards) 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 avoid disturbance / harm to bats and in the interests of the amenities of the area.

23. No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON

In the interests of sustainable development and prudent use of natural resources.

24. The buildings hereby permitted shall be designed and constructed to achieve a minimum 10% reduction in CO₂ emissions from energy use by users of the development, when compared against Part L of the Building Regulations (2010). No dwelling shall be occupied until a certificate of compliance has been issued to the Local Planning Authority from the relevant building control body (Local Authority Building Control, NHBC or other Approved Inspector).

REASON:

In the interests of reducing CO₂ emissions.

25. No part of the development hereby permitted shall be occupied until a scheme of acoustic mitigation for occupants of the development (which shall achieve 35dB L_{AMAX} internal noise levels) has been implemented in accordance with the submitted details. The scheme shall include:

- a) Fixing shut of windows on the western elevation (as identified on drawing nos. A01-1712-103 & A01-1712-104).
- b) The use of automatic vents for the corridors on the west elevation (as identified on drawing nos. A01-1712-103 & A01-1712-104), the vents to default into the shut position.

- c) The installation of acoustic screens for the balconies closest to Wadworth's yard (as identified on drawing nos. A01-1712-103 & A01-1712-104), in accordance with details to be first agreed in writing by the Local Planning Authority.
- d) Trickle ventilation and glazing to the specification detailed in the AAD letter of the 22nd March 2012 ref. 11296 / ADN002 / JS.
- e) Acoustic wall / fencing along the western and southern site boundaries which shall be continuous and imperforate to a height shown on the approved plans, to a minimum of 10kg per m², and in accordance with details to be first agreed in writing by the Local Planning Authority.

26. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

- (a) Application Form, Design & Access Statement, Foul and Surface Water Drainage Strategy, Habitat Management and Biodiversity Strategy (Ref: E091110151 vs3), Acoustic Design Note (Ref: 11296 / ADN002 / JS Dated 22nd March 2012), Drainage Layout (Drawing nos. 50442-01 Rev E), Topographical Survey (Drawing no. 20/03 209197 Rev A), Tree Constraints Plan (Drawing no. 6871/01), Site Location Plan (Drawing no. A01-1712-101), Site Layout Plan (Drawing no. A01-1712-102) and Elevations/Floorplans (Drawing nos. A01-1712-103, A01-1712-104, A01-1712-105, A01-1712-106, A01-1712-107, A01-1712-108 & A01-1712-110) received on 5th April 2012.
- (b) Written Scheme of Investigation for Archaeological Works (CgMs Ref: WB/11443 Dated April 2012) and Draft S106 Planning Obligation received on 20th April 2012.

Appendices: None

Background Documents Used in the Preparation of this Report: The application file and documents listed in Section 6 of the officer report above.