

COMMITTEE REPORT

Date: 9 August 2018 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
 Commercial Team Panel

Reference: 18/00638/FULM

Application at: St Josephs Convent Of Poor Clare Collentines Lawrence Street
York YO10 3EB

For: Conversion, alteration and part demolition of existing buildings (the
Lodge and Extern House) to provide 10no.apartments and erection
of 4no. dwellings

By: Mr Burgess

Application Type: Major Full Application (13 weeks)

Target Date: 21 June 2018

Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to part of the St Joseph's Convent site. The convent was vacated in 2012; at that time, the convent buildings and the boundary walls were listed at grade II. Subsequently permission was granted for re-development of the site for student accommodation (application 14/02404/FULM). The scheme included demolition of non-listed 'workshop' buildings, conversion of the Lodge/Priest's House and the Extern House (which are the subject of this application) into student accommodation and new blocks of accommodation within the grounds. The main convent building was to provide ancillary space for the students.

1.2 The student accommodation is now in operation. However the Lodge/Priests House, which fronts Lawrence Street and the Extern House behind have remained vacant and have not been refurbished. These buildings date from 1875 and are both grade II listed.

PROPOSALS

1.3 This application proposes sub-division of the convent site and the redevelopment of the Lodge and Extern House as dwellings. It is also proposed to erect 4 new dwellings within the grounds, to the eastern side of the existing buildings. This would create 14 dwellings overall.

1.4 There would be a new pedestrian access created through the listed wall to the front and vehicular access reinstated through the arch on the lodge (the access

previously in this location was removed as part of the student scheme). Internal and external alterations to the Lodge and Extern House are also required; these are detailed and assessed in the companion application for listed building consent, ref: 18/00639/LBC.

2.0 POLICY CONTEXT

2.1 Relevant Policies of the 2018 Publication Draft Local Plan:

H2 Density of Residential Development
H3 Balancing the Housing Market
H10 Affordable Housing
D1 Placemaking
D2 Landscape and Setting
D4 Conservation Areas
D5 Listed Buildings
D6 Archaeology
ENV1 Air Quality
T1 Sustainable Access
DM1 Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

- Archaeology

3.1 The nature and depth of the below ground archaeology of the site can be ascertained from the large scale evaluation and subsequent excavation which has recently taken place on the rest of the Convent site. The areas excavated immediately outside of the eastern boundary of the proposed development area just south of Lawrence St. Archaeological features were found to exist at c.0.8m below ground level.

3.2 Officers recommend planning conditions to require a programme of post-determination archaeological mitigation, specifically an archaeological excavation of the proposed new build units and a watching brief on drainage and other works.

- Ecology

3.3 Further to officers original comments a bat activity survey has been undertaken on 14th May 2018. No bats were recorded emerging from any part of the buildings surveyed. There was low level bat activity throughout the survey, with a few

common pipistrelles recorded foraging on site. There will be no impact on bats from the proposed development; there are no objections on ecological grounds.

Education

3.4 As this application only has 7 x 2 bed flats an Education contribution is not requested (bearing in mind pooling restrictions in the regulations).

Highway Network Management

3.5 Officers requested further information regarding the vehicle access, i.e. swept paths (because of the proximity of the pedestrian crossing to the entrance) and details of visibility at the entrance. These have been provided by the applicants and they demonstrate that the access can function in a satisfactory way. Officers have looked further at the safety of the access and concluded it would be preferable for visibility if cars did not park in the lay-by to the east of the entrance as they may present a danger to approaching cyclists.

Public Protection

3.6 Officers recommend conditions related to noise, air quality and land contamination. The site is affected by traffic noise from Lawrence Street and the road and the Extern House (which faces the road) fall within an Air Quality Management Area.

- Noise

3.7 With regard to noise significant mitigation measures will be needed in terms of upgraded glazing standards and provision of acoustic ventilation to make the proposal acceptable. At the Lodge building double glazing or secondary glazing would be required on the elevation facing Lawrence Street and alternative ventilation ducted away from Lawrence Street.

- Air Quality

3.8 Due to the presence of the AQMA there is potential for this development to increase exposure to traffic based air pollutants on Lawrence Street. As the acoustic report has indicated that non-opening windows and ventilation from the rear will be required on unit 1 the potential for new exposure is considered negligible (assuming non-opening windows are provided). The remainder of the site is set back from the road and shielded by the wall that surrounds the site.

3.9 The application has a reference to the provision of wood burning stoves within the development. As wood burning appliances give rise to significantly higher emissions of NO_x and particulate matter than conventional gas equivalents we

would strongly recommend that the use of wood burning should not be encouraged at this location. If wood burning stoves are to be provided they must be compliant with the requirements of the smoke control order.

3.10 Electric vehicle recharging points - In line with paragraph 110 of the NPPF, developments should be designed to incorporate facilities for charging plug-in and other ultra low emission vehicles. City of York Council's draft Low Emissions Supplementary Planning Guidance requires 2% of all car parking spaces to be provided with electric vehicle charge points.

EXTERNAL

North Yorkshire Police

3.11 The Designing Out Crime Officer has recommended that the following should be incorporated into the scheme:

- appropriate lighting of communal car park
- details of secure cycle storage for each dwelling
- provision of security lighting for each dwelling

These measures could be secured through a planning condition requiring details of crime prevention measures to be incorporated into the development to be submitted and approved by the local planning authority.

Internal Drainage Board

3.12 No comments

Yorkshire Water

3.13 The Flood Risk Assessment prepared by AAH Planning Consultants (Report 96546 dated February 2018) is acceptable. In summary, the report states that foul water will discharge to public combined sewer. In terms of surface water disposal, sub-soil conditions do not support the use of soakaways and a watercourse is remote from the site. Therefore surface water will discharge to public combined sewer via storage with restricted discharge of 8 litres/second.

Publicity

3.14 One comment has been received which makes the following points -

- Regret that Vita Student's proposals to re-use the Lodge building and for the former entrance to become redundant have not been carried out. Instead the building has been allowed to decay, alternative entrances into the site have been

allowed but now it is proposed also to provide a vehicle entrance through the arch.

- As residents immediately facing the Lodge, neighbours feel that they must now support any development that prevents the building from falling into further disrepair, but there are serious reservations due to the extra traffic that would result and associated issues with parking, congestion and air quality.
- One major concern is the number of cars that will be required and where they will park. Some 18 dwellings are proposed with only 7 car parking spaces. Permit parking spaces along Lawrence Street are limited while, in 'unregulated' streets such as Granville Terrace, both sides are fully parked during most of the working day with just a narrow gap in between.
- Lawrence Street is a busy road, used for various bus companies and emergency services, especially ambulances. There is a concern increased traffic and associated congestion will compromise the function of the highway and lead to further decreases in air quality.

4.0 APPRAISAL

4.1 The key issues in assessment of the application are as follows –

- Principle of the proposed use
- Impact on the listed buildings the subject of this application
- Setting of listed buildings within the convent site
- Design
- Residential amenity
- Highway safety
- Planning Obligations
- Archaeology

Policy Background

4.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies, and has recently been redrafted (July 2018).

4.3 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

Principle of the proposed use

4.4 The listed buildings the subject of this application have now been vacant for over 5 years. In particular the lodge building which fronts Lawrence Street appears neglected and is in need of repair works to avoid further damage (due to water ingress for example). These buildings were to be converted to student accommodation as part of the previous scheme. The developers looked at multiple options for restoration before deciding against carrying out the works.

4.5 The buildings were formally used as residential accommodation and so the re-use proposed in principle is consistent with the approach to managing designated heritage assets in the National Planning Policy Framework (NPPF), specifically putting them to a viable use consistent with their conservation.

4.6 The city has a demonstrable housing need and this site is previously developed/brownfield land and in a sustainable location, within the urban area, within walking distance of the city centre and on a road served by buses. To restore the buildings and introduce private housing onto the site is consistent with the aims of the NPPF, specifically paragraph 118 which states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

Impact on listed buildings / Design

4.7 Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.8 The existing buildings were previously occupied in a communal manner. The proposed use is acceptable in principle and would bring the buildings back into use. Officers acknowledge that in order to accommodate the proposed use, which subdivides the buildings into separate private spaces, some intervention and alteration of the historic plan form would be required. Also there is justification for works to address considerable noise from traffic on Lawrence Street (the existing single glazed windows do not provide adequate attenuation to allow internal noise levels to meet national and local standards) and it is in the interests of viability to bring the roof spaces into use.

4.9 The companion listed building consent report assesses the impact on heritage assets and concludes that whilst the works do involve changes which cause 'less than substantial harm', that the public benefits outweigh this harm and therefore the scheme is compliant with the NPPF and can be permitted giving due consideration to the requirements of the Act.

4.10 The impact of the proposed new buildings in the grounds of the convent is also assessed in the listed building consent report. The report concludes that the proposed buildings, due to their location, scale, form and materials, would not harm the setting of the listed buildings.

4.11 The works are acceptable considering the design principles in the NPPF for the following reasons –

- The works respect heritage assets on site. The new additions are of contemporary appearance and have a consistent architectural language with the other new additions over the convent site. This creates an attractive and distinctive scheme with clear a distinction between new and old, giving legibility to the history and function of the site.
- The development accommodates further development of the site whilst retaining an appropriate amount of openness, landscaping and space between buildings.
- The site is safe and secure – the enclosure which defines the site is retained. Cycles can therefore be stored safely on site and waste storage will not harm visual amenity. Cycle storage is in various locations through the site and is illustrated on the revised plans. The applicants will be informed about recommendations from the police about providing lighting to main entrances and the car parking area.

Residential amenity

4.12 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.13 Minor modifications to the Publication Draft Local Plan were made 25 May 2018. One of the changes was the inclusion of the following text to policy D1: Place-making – Ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

4.14 The proposed development would provide an acceptable environment for future users. In particular there is adequate outlook, amenity space, discreet bin storage and secure and covered cycle storage. A noise assessment has been carried out and the recommended upgrade to windows facing Lawrence Street can be secured through condition, as can alternative ventilation in the interests of air quality. It is noted that the secondary glazing proposed will not have an undue impact on the listed building.

4.15 The development would be contained within the convent site and is of a design and nature that it will not have a material effect on surrounding occupants.

Highway safety

4.16 The NPPF states that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.17 The NPPF goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.18 Cycle parking, which is covered and secure, and electric charging points can be secured through planning condition.

4.19 The application relates primarily to the conversion of existing buildings for residential use and has acceptable access provision for pedestrians and servicing.

4.20 Off street car parking (7 spaces) is proposed which requires reinstatement of the vehicle access through the arch that was removed as a consequence of the overall highway works relating to the Vita Student development. Outside the entrance arch the dropped kerb has been removed and within the highway the pedestrian crossing has been widened and street trees added.

4.21 The applicants transport consultants have provided swept path drawings which demonstrate that the proposed access represents a practical arrangement.

4.22 With regard to visibility at the access, Manual for Streets (which is national guidance) advice is as follows -

- Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, defined parking bays should be provided outside the visibility splay. However, in some circumstances, where speeds are low, some encroachment may be acceptable.
- The impact of other obstacles, such as street trees and street lighting columns, should be assessed in terms of their impact on the overall envelope of visibility. In general, occasional obstacles to visibility that are not large enough to fully

obscure a whole vehicle or a pedestrian, including a child or wheelchair user, will not have a significant impact on road safety.

4.23 At the entrance to the site, visibility is obstructed by the street trees, car parking and a bus stop. However, due to the cobbled areas on this side of the road it is common for visibility at access points to be impeded by street furniture. The street trees and bus stop would not unduly impede visibility. Officers concern is that cars parked in the lay-by between the bus stop and street trees would limit visibility of approaching cyclists. As such the recommendation is that if the access is to be re-introduced, two car parking bays are removed in the interests of highway safety.

4.24 The impact on the highway network has been modelled using the TRICS database. The modelling predicts 6 trips at morning and afternoon peak periods. As such, the proposed development would not have a material impact on the volume of traffic using the highway network.

Planning Obligations

4.25 Section 15 of the Publication Draft Local Plan (2018) states that the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York.

4.26 Policy DM1: Infrastructure and Developer Contributions states that the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. Contributions will be sought to fund strategic infrastructure that helps to deliver the Vision, Spatial Strategy and Objectives of the Local Plan, as well as specific infrastructure that is necessary to deliver an individual site. Relevant to this development, 'essential infrastructure' could potentially include affordable housing, education, and green infrastructure, including open space and built sports facilities.

- Affordable housing

4.27 Affordable housing policy is detailed in Local Plan policy H10. However as this application was made prior to the submission of the Local Plan for examination (18 May 2018) the policy requirements have not been applied to this application. In addition, the scheme involves the re-use of vacant buildings and therefore in considering paragraph 63 of the NPPF (which supports re-using brownfield land and reducing any associated affordable housing requirements proportionately) no affordable housing is sought.

- Open space & Education

4.28 The scheme proposes 7 x 2-bed flats and has been assessed as to whether contributions are required, considering local capacity and CIL regulations (which only allow up to 5 pooled obligations towards any one project).

4.29 Education officers have advised that they do not wish to request a contribution in this instance.

4.30 With regard to open space, based on the “Commuted Sum Payments for Open Space in New Developments” supplementary planning guidance, contributions are required for a development of the type and amount proposed. In addition the Open Space and Green Infrastructure Update (September 2017), which is the evidence base for the 2018 Publication Draft Local Plan, identifies a shortfall of outdoor sports facilities in the Fishergate Ward. However, officers have not provided details of CIL compliant projects toward which any contribution could be sought. For this reason, no contribution has been sought as without an appropriate project, any such contribution would fail the national tests as set out in the NPPF and associated Planning Practice Guidance.

Archaeology

4.31 In accordance with Local Plan policy D6, a written scheme of archaeological investigation (and subsequent publication) will be secured through condition.

5.0 CONCLUSION

5.1 Whilst the alterations to listed buildings have been identified as causing a low level of harm (which is regarded as ‘less than substantial’ in NPPF terms) the public benefits of bringing the buildings back into a viable use, which is, in principle consistent with the conservation, outweighs this harm. The scheme would have no further impact on visual amenity and subject to conditions there would be no undue harm considering amenity, impact on heritage assets, and highway safety. Approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Location Plan - 035(PL) 001

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Site Plans - 035(PL) - 002, 003A
Block Plan - 035(PL) 014A
Landscaping Plan - 035(PL) 057A

Floor plans (with listed building notes)

Lodge
035(PL) - 040A, 041A, 042B, 043A

Extern House
035(PL) - 044A, 045A, 046B, 047A

Garden houses
035(PL) - 052A, 053A

Sectional Elevations
026A, 027A, 028A, 029A, 030A, 031A, 032A, 033A, 034A, 035A, 036A, 037A, 038A,
039A

Indicative Details
035(PL) 060 (secondary glazing)
035(PL) 061 (garden houses)

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Materials

Samples of the external materials to be used on the scullery and garden houses and the timber clad external staircases shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Large scale details of garden & scullery houses

Large scale details of the items listed below for the garden and scullery houses shall be submitted to and approved in writing by the Local Planning Authority prior to the

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commencement of their construction and the works shall be carried out in accordance with the approved details.

- Eaves (if different to as shown indicatively on approved drawing 035 (PL) 61
- Typical window and surrounds (shown windows set within their reveals)

Reason: In the interests of good design and the setting of listed buildings.

5 Crime Prevention Measures

Prior to first occupation of the development, a statement of crime prevention measures to be incorporated in to the design of the scheme together with a detailed method statement for the implementation of the measures shall be submitted to and approved in writing by the local planning authority. The scheme shall include (but is not restricted to):

- Details of security measures, including lighting for main entrances
- Lighting to car park area
- Details of security of the cycle parking and the locking mechanism for doors within the cycle parking.

Reason: In the interests of crime prevention.

INFORMATIVE: North Yorkshire Police recommendation that all external doors, should be illuminated with vandal resistant security lighting, operated by a photocell sensor with manual override switch and fitted at a height that makes them not easily accessible.

6 Highway works

The vehicle access hereby approved shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Highway works required –

- Details of the proposed access
- Removal of two on-street car parking spaces to the east of the entrance (between the entrance and the bus stop)

Reason: To provide adequate visibility at the entrance and in the interests of the

safe and free passage of highway users.

7 Electric vehicle charging facilities

Prior to first use of the on-site car parking area at least one of the car parking spaces shall incorporate facilities for charging electric vehicles.

INFORMATIVE: Charge points should be weatherproof, outdoor recharging units for electric vehicles with the capacity to charge at up to 7kw (32A). Groundworks and cabling should be sufficient to upgrade that unit and to provide for an additional recharging unit of the same specification in a nearby location. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy and Air Quality Action Plan.

8 Cycle and bin storage

The areas shown as cycle and bin storage on the approved drawings shall be retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To ensure adequate space for waste recycling and litter collection in accordance with policy GP1 of the City of York Draft Local Plan and design guidance for housing in the National Planning Practice Guidance. To ensure adequate space for, and to encourage, cycle use, in accordance with the National Planning Policy Framework.

9 Landscaping

The approved landscaping scheme (as shown on drawing 035(PL) 057A) shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development 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 alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area and setting of listed buildings.

10 Protection of street trees

Any trees within the highway adjacent to the site which within a period of five years from the commencement of the development 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 (including facilities for tree roots), unless alternatives are agreed in writing by the Local Planning Authority.

Reason: To protect street trees which are considered to make a significant contribution to the amenities of this area.

11 Archaeology

A programme of post-determination archaeological mitigation, specifically an archaeological excavation of the proposed new build units and watching brief (on drainage and other works) is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before details can be approved.

A) No demolition or groundworks shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI. The WSI shall conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of the NPPF as the site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

12 Construction Environment Management Plan

Prior to commencement of the development, a Construction Environment Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development

shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality.

INFORMATIVE:

For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required (which would include the location of monitoring positions, recording of results and identification of any mitigation measures required).

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling. Details should include monitoring to be carried out, locations of monitoring points, and details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and any mitigation measures employed.

For dust mitigation, measures shall include, but would not be restricted to, means of keeping the highway clean during works (which could include on site wheel washing, road cleaning), minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

13 Construction hours

Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the

hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents

14 Investigation of Land Contamination

Prior to development, a supplementary investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 Remediation Scheme

Prior to groundworks commencing, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 Verification of any Remedial Works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

17 Reporting of Unexpected Contamination

In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

18 Site drainage

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The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment prepared by AAH Planning Consultants (Report 96546 dated February 2018), including drawing C50 showing the drainage strategy, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

19 Noise insulation

Living and bedroom windows in the Lodge building which front onto Lawrence Street shall be fitted with a secondary glazed system comprising a double-glazed unit nominally 4mm glass / 12mm cavity / 6mm glass (or a system providing at least the equivalent attenuation) in well-sealed frames prior to first occupation.

Reason: In the interests of the amenity of future occupants given measured noise levels on Lawrence Street.

20 Mechanical Ventilation

Prior to occupation of the relevant dwellings, details of the mechanical ventilation heat recovery (MVHR) system for living and bedroom windows in the Lodge building which front onto Lawrence Street shall be submitted to and approved in writing by the Local Planning Authority and the system installed in accordance with the approved details.

The details shall include air intake locations, dust filtration and show how noise/vibration created by the ductwork serving the ventilation system will be adequately controlled between and within properties. Details shall include arrangements for long term maintenance and efficiency of the systems which, following installation, shall be maintained in full working order at all times.

Reason: In the interests of residential amenity due to air quality on Lawrence Street.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans and the use of planning conditions in order to make the scheme policy compliant.

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2. BATS

All species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations (2017).

Because of their protected status, it should be noted that if bats are discovered during the course of the work, all works must cease and Natural England must be informed immediately. It is an offence for anyone to disturb or handle a bat without the appropriate licences. This may cause some delay but should not prevent the work continuing, provided that due account is taken of their presence.

There are opportunities to enhance the new building for bats. This can be done without detriment to the building through bat friendly features which can be designed at the outset and include features such as bat bricks, bat tiles or an adapted fascia. There is more information about this on the Bat Conservation Trust's website http://www.bats.org.uk/pages/bat_boxes.html.

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