

## COMMITTEE REPORT

**Date:** 22 January 2015      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 14/02091/FULM  
**Application at:** 1 - 9 St Leonards Place York YO1 7ET  
**For:** Residential development including conversion of existing buildings, construction and demolition to form 29 no. apartments, 5 no. town houses and 6 no. mews houses including 2-4 Museum Street  
**By:** Mr Mark Finch  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 8 December 2014  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 This application seeks planning permission for the change of use of 1-9 St Leonard's and 2- 4 Museum St, and includes the former stable block to the rear. At present these buildings are vacant and were last used as City of York Council offices. The applicants wish to convert the buildings into 5 no. town houses and 29 no. apartments. The former stable block would be converted to 1 no. mews house with a double garage and 5 no. mews houses over 5 no. double garages would be developed along the rear lane. The layout of the existing St Leonard's place car park would be revised to create a private car park with 30 no. parking spaces. Gates and railings would be reinstated around the car park area.

1.2 The site is not allocated within the City of York Development Control Local Plan 2005 and is shown as white land. 1-9 St Leonard's Place is Grade II\* listed while 2 and 4 Museum St is Grade II listed. The car park includes a section of Roman wall (listed at Grade I). The stable block to the rear of the site is curtilage listed and built into the City walls, a Scheduled Ancient Monument. The whole of the application site falls within the Central Historic Core Conservation Area. This application is accompanied by a listed building application which is also to be considered at this Committee Meeting (Ref. No. 14/02104 /LBC).

1.3 Externally minor alterations are proposed to the St Leonard's Place or Museum St frontages and they include the removal of a chimney, additional downpipes and balcony treatment. To the rear of St Leonard's Place some demolition of later additions to the building are proposed and roof extensions for the lift overruns.

1.4 Revised plans were submitted during the course of the application and one garage space to the rear lane has been removed and the mews property over has

been reduced in size. Additional surface cycle parking has been provided and refuse storage has been removed from the frontage of the buildings to less prominent location (a store at the rear of Museum Street and a store in the former St Leonard's Place car park, meaning that 29 no. car parking spaces would be provided in this location).

## Planning History

1.5 Application reference 12/01975/FULM with associated Listed Building consent 12/01976/LBC for a hotel with associated leisure uses was approved at main Planning Committee in 2012. It is noted that this permission has not been implemented and therefore the hotel use is not the established use of the site in planning terms.

1.6 A screening opinion was issued under the Town and Country Planning (Environmental Assessment) Regulations 2011, as the proposal is described in Schedule 2 and falls within a sensitive area (the former stable block is built into the City walls, a Scheduled Ancient Monument). However it was concluded that an Environmental Impact Assessment was not required.

## 2.0 POLICY CONTEXT

### 2.1 Constraints

- Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
- Conservation Area GMS Constraints: Central Historic Core
- City Boundary GMS Constraints: York City Boundary
- Listed Buildings GMS Constraints: Grade 1; Wall 5m North Of Kings Manor 0620
- Listed Buildings GMS Constraints: Grade 1; Wall 2m N Of York 0630
- 2, 4 Museum St (each Grade II)
- 1-9 St Leonard's Place St L Pl (each Grade II\*)

Scheduled Ancient Monuments GMS Constraints: SMR 30 City Walls Bootham Bar To Museum Street 0176

### 2.2 Most relevant Development Control Local Plan Policies:

- Development Plan Allocation: None
- CYHE5 - Demolition of Listed Buildings and Buildings in Conservation Areas
- CYHE10 - Archaeology
- CYHE2 - Development in historic locations
- CYNE1 - Trees, woodlands, hedgerows
- CYNE6 - Species protected by law
- CYGP1 - Design
- CYGP3 - Planning against crime
- CYGP4B - Air Quality
- CYL1C - Provision of New Open Space in Development
- CYGP9 - Landscaping
- CYGP6 - Contaminated land
- CYE3B - Existing and Proposed Employment Sites
- CYHE3 - Conservation Areas
- CYHE4 - Listed Buildings
- CYGP4A - Sustainability
- CYH2A - Affordable Housing
- CYH3C - Mix of Dwellings on Housing Site
- CYH4A - Housing Windfalls
- CYH5A - Residential Density

### **3.0 CONSULTATIONS**

INTERNAL

## ENVIRONMENTAL MANAGEMENT

3.1 Ecology; A bat survey undertaken in 2012 was updated in August 2014. Both surveys found the building to have moderate potential for roosting bats, but subsequent emergence surveys did not identify any roosts and concluded that the proposals are unlikely to impact on bats. However, recognising the roost potential of the buildings, if this application is approved, an informative relating to bats should be added.

3.2 Conservation; The application site is within the Central Historic Core Conservation Area. The proposed extensions to be demolished to the rear of the building do not positively contribute to the appearance of the building or character of the conservation area. The proposed mews properties would sit comfortably behind the terrace due to its limited height and scale.

3.3 Landscape; No objections to the proposed tree removals for the reasons given in the tree survey, provided they are suitably replaced. The existing trees within the car park are shown as retained in the development proposals and should be protected. The Beech and Birch to the rear of number 7 are attractive trees, but as they mature they will not be sustainable in this location. Therefore there is no objection to their removal. The best tree is the Lime tree adjacent to the City wall. A tree protection method statement would be required to ensure these trees are protected.

3.4 In respect of the three Sycamores at the entrance of the former Finance Centre off Library Square, these trees are not in good form so objections are not raised to their removal. Nonetheless purely from a visual perspective they do provide a valuable greening of the urban environment and the amenity of Library Square. They also provide a suitable foil for the juxtaposed buildings. To this end a replacement tree is expected to be included in the landscaping scheme at ground level i.e. not in a raised bed. This could be a fastigate tree with height.

3.5 Sustainability ; The scheme will be expected to meet at least BREEAM Very Good standards for the 29 multi-residential flats, BREEAM Eco-Homes Very Good standard for the refurbished houses, and Code 3 for Sustainable Homes for the new build mews properties. Due to the listed nature of the existing buildings, should the applicant be unable to achieve the above standards and has demonstrated this via written evidence, the LPA will evaluate this and discuss options with the applicant. To date no substantial amount of information has been presented to illustrate that the above can not be achieved and a condition is proposed.

3.6 Archaeology ; The site lies within the Area of Archaeological Importance and the Central Historic Core Conservation Area. The site lies in an area where there are both designated and undesignated heritage assets of national importance. The

City wall scheduled ancient monument lies within the red line boundary (SAM no. 30).

3.7 The applicant has submitted a comprehensive archaeological desk-based assessment. This identifies the range, quality, and significance of both the sub-surface and above ground archaeological features. The proposed works, including demolition, extension, pathway, walls, and landscaping may have an impact on sub-surface archaeological deposits. These impacts are acceptable if mitigation measures are in place. This can be achieved through an archaeological recording and publication through an archaeological watching brief. This should be conditioned within any approval. The significant collection of carved medieval stonework that is incorporated into the current landscaping at the rear of 1-9 St Leonard's Place must be retained on site and incorporated into the new landscaping for this development. This should be conditioned. To improve the public interpretation of the area and conservation, a contribution of £7,500 to interpretation boards, repairs and conservation should be sought.

## HIGHWAY NETWORK MANAGEMENT

3.8 No objections are raised to the proposal; the site is in a highly sustainable location with extensive public transport links. The proposal has been supported by a Transport Statement. Access to the proposed mews properties would be from Library Square and this is acceptable. The level of car parking proposed meets maximum standards in Annexe E. Following negotiation revised drawings now show surface cycle parking in the scheme and provision will be made through a combination of basement, garage and a dedicated building with 8 Josta storage racks. In order to further promote sustainable transport S106 contributions are sought to the City Car Club to cover promotional measures and the choice of either a free bus pass or cycle/cycle equipment. Standard conditions should be applied to cover cycle parking and highway works.

## ENVIRONMENTAL PROTECTION UNIT (EPU)

3.9 Noise -The submission does not include noise monitoring for the Museum Street facade and night time noise levels on St Leonard's Place and this should be provided.

3.10 Following the submission of additional noise monitoring information as requested, the measured levels indicate that noise mitigation measures will be required to achieve satisfactory internal noise levels of 35dB(A) during the day time and 30dB(A) at night time, in accordance with BS8233 and World Health Organisational Guidelines. This level would appear to be achievable through appropriately designed secondary glazing and The EPU raise no objections subject to the locally adopted standards of 30dB(A) night time and 35dB(A) day time being conditioned.

3.11 Air Quality - The proposed use of the building for residential accommodation is of relevance from an air quality perspective as residential use is considered to be a sensitive receptor. The EPU undertake monitoring of nitrogen dioxide at ground floor locations and there have been extensive breaches of the annual average nitrogen dioxide objective in recent years. Whilst levels fell in 2013, monitoring is indicating that breaches may be occurring at the facade of the building. An air quality assessment has been submitted by AECOM.

3.12 To minimise ingress of pollutants into the building and potential exposure of future residents to poor air quality, a ventilation strategy has been developed, which acknowledges that all houses and apartments will be mechanically ventilated, with clean air being drawn from the rear of the building. This should be coupled with non-opening windows to all habitable rooms (living areas/bedrooms) facing onto St Leonard's Place and Museum Street. This would not be required for rear elevations away from the road.

3.13 The EPU has agreed an additional 3 month monitoring period to assess levels of pollutants at different floor levels to inform the requirement for non-opening windows. Pending the submission of this information, it is recommended that a condition be placed on any approval that there shall be non-opening windows on the St Leonard's Place and Museum Street facade unless it can be demonstrated to the satisfaction of the Local Planning Authority that levels next to proposed window openings are not in breach of the health based annual mean objective.

3.14 Other - In line with the Council's adopted Low Emission Strategy, and the National Planning Policy Framework developers should strive to promote the use of low emission vehicles on site via provision of necessary infrastructure. The Environmental Protection Unit would like to see an electric vehicle recharge point installed within the car park and garages and this should be conditioned. Construction hours and a construction management plan should be conditioned to protect the amenity of adjacent residents and businesses and conditions covering contamination should be imposed to protect the amenity of future occupants.

#### ECONOMIC DEVELOPMENT UNIT (EDU)

3.16 Whilst EDU would have liked to have seen the site being taken up for higher end hotel accommodation, it is recognised that the proposal would provide welcome quality residential development. The layout and quality of internal space do not provide high quality of office accommodation that is required.

#### FORWARD PLANNING

3.17 No objections are raised. Previous comments relating to loss of employment applies. There is no net loss of employment provision for the City as the Council has

relocated to new office space at West Offices and no objections to the proposed loss of the site for employment purposes. The site performs well as a housing windfall, it has good access to jobs, shops and services and is in a sustainable urban location. The proposed mix at St Leonard's Place provides a mix of accommodation to help address identified housing need.

## FLOOD RISK MANAGEMENT TEAM

3.18 No objections. The development is in low risk Flood Zone 1 and should not suffer from river flooding. As there is little room to accommodate any surface water attenuation and that there will be some replacement of existing buildings with landscaped areas and some reduction of surface water run-off. Yorkshire Water should be consulted.

## COMMUNITIES CULTURE AND THE PUBLIC REALM

3.19 No objections. As there is no on site open space commuted sums should be paid to the Council for amenity open space which would be used to improve a local site such as Museum Gardens or Clarence Gardens; play space which would be used to improve a local site such as Clarence Gardens (this does not apply to the 4 x one bed dwellings); sports pitches to improve a facility within the South Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula.

## EDUCATIONAL PLANNING

3.20 No contribution is required as catchment schools (Clifton Green Primary and Canon Lee Secondary) have adequate capacity to accommodate the additional places generated.

## HOUSING SERVICES

3.21 Following detailed negotiations the Housing Development team now support the application in principle subject to the completion of a Section 106 agreement (s106).

3.22 A full and independent financial appraisal has been carried out by the District Valuer Services. The appraisal has concluded that a sum of £298,169 is viable as a contribution towards affordable housing. On-site affordable housing has not been sought in this instance due to viability, high maintenance and service charges, and heritage considerations. Affordable Housing policy in York encourages the use of an independent financial appraisal where the applicants state that the usual policy level of affordable housing is not viable as in this case.

3.23 The applicants have agreed to pay the full affordable housing financial

contribution in instalments as follows:

- Payment of £99,389 after £5,721,750 of sales value has been achieved
- Payment of £99,390 after £11,443,500 of sales value has been achieved
- Payment of £99,390 after £20,598,300 of sales value has been achieved

3.24 The s106 would include provision to allow the funds to be used for an off-site affordable housing scheme in lieu of paying a commuted sum to the council where the scheme is agreed by the council as meeting our strategic aims and policies and it can be demonstrated that the off-site provision is at least equivalent to the value of the commuted sum which has been deemed viable.

## EXTERNAL

### GUILDHALL PLANNING PANEL

3.25 - Support the application and welcome the reuse of the buildings.

### ENGLISH HERITAGE

3.26 Support the application, subject to full and appropriate resolution of detailed issues concerning the listed buildings, curtilage structures and trees.

### YORKSHIRE WATER

3.27 No objections.

### POLICE ARCHITECTURAL LIAISON OFFICER

3.28 No objections. Suitable window and door locks are to be provided. The communal car parking area will be securely enclosed and CCTV coverage recommended. There have been issues on site with rough sleepers etc but the proposal will help to address this by providing a more secure and overlooked environment. The proposal will provide residents with a safe, non-threatening environment in which to live. This accords with core principles of the National Planning Policy Framework.

### COUNCIL FOR BRITISH ARCHAEOLOGY (CBA)

3.29 Comment that whilst the CBA supports the conversion to residential, we suggest there is an opportunity to improve the interpretation of York's historic City walls. Significant public benefits are there to be gained for York. The coach house could be removed from the scheme and brought into use as an interpretation area, a viewing platform could be created on the City wall to allow further interpretation. Part of the Roman fort wall will be screened off within the car park area and this should be reconsidered.



## CONSERVATION ADVISORY PANEL (CAAP)

3.30 The panel had no objection to the scheme in principle but regretted the loss of some of the staircase in 4 Museum Street. It was also felt that detailing was important and hoped that the new railings would be of imperial measurements not metric. The panel, whilst overall supportive of the proposal, considered that the success of the proposal in execution would focus on the treatment of the building features and details. The panel expressed concern over how this would be documented sufficiently through the planning approval process, and how this would be monitored at the construction phase to ensure that it was adhered to, especially given the limited resources available for CYC to spend time on this.

## OTHER THIRD PARTIES

3.28 - A letter was received from a local resident regarding the opportunity that the application presents for the opening up of public access to the set of ancient monuments to the rear (including the City wall, Anglian Tower, Roman fortress wall and remains of St Leonard's Hospital between St Leonard's Place and the Multangular Tower). Access could be improved from the rear of the library and from Manor Lane and could make the view from the ramparts more available. A letter of support has been received welcoming the conversion of the listed buildings back into their former use.

## 4.0 APPRAISAL

### 4.1 Key Issues:

- Loss of employment use
- Principle of residential use
- Impact on character and appearance of the Conservation Area, heritage assets and their setting.
- Air quality
- Noise
- Neighbouring amenity
- Highways
- Sustainability
- Ecology
- Affordable Housing

## LOSS OF EMPLOYMENT USE

4.2 Although the buildings 1-9 St Leonards and 2-4 Museum Street were originally in residential use (including a subscriptions library and club) they were converted to offices and were last used as the main Council office building. The buildings are now vacant. The established use of the buildings in planning terms is B1 office

accommodation. Office use is classified as a main town and city centre use. The NPPF seeks to promote the vitality of town and city centres and requires Local Planning Authorities to set policies which are positive and promote competitive town centre environments. In part it is suggested that this should be done by allocating a range of sites for offices to ensure that office uses are met in full and not compromised by site availability. An assessment of need should be undertaken to ensure sufficient office supply is available.

4.3 Development Control Local Plan Policy E3b seeks to protect existing employment sites within their existing use class unless development proposals meet certain criteria. This criterion is: a) there is a sufficient supply of employment land in quantitative and qualitative terms in the immediate and longer term; and b) unacceptable environmental problems exist; or c) the development of the site for other appropriate uses would lead to significant benefits to the local economy; or d) the use is ancillary to an employment use.

4.4 As Members will be aware St Leonard's Place and Museum Street offices are now vacant as Council services have moved to West Offices. Part of the West Offices development included a substantial expansion of the amount of office floor space. Therefore, seen in overall context, the change of use of St Leonard's and Museum St offices to another use does not result in a significant reduction in employment land

4.5 Demand is for open plan offices and it is recognised that the layout of St Leonard's and Museum Street offices do not meet modern day requirements. Given that the buildings are Grade II\* and Grade II, there is no scope for significant internal alterations to create a modern office environment. It is predicted by the applicants that retaining the buildings as offices is likely to result in the building remaining vacant for a very long period and as such the buildings would deteriorate further. The Forward Planning team and Economic Development Unit have assessed the application and raise no objections to the loss of office use at the site. Although not the established use of the buildings in planning terms, the applicants have provided information to demonstrate their endeavours to implement the approved hotel scheme were unsuccessful.

4.6 Given the above, there are no objections to the proposed loss of the office use and the proposal is in accordance with Polciy E3b of the DCLP 2005 and with the aims of the NPPF which states that long term protection of employment sites should be avoided where there is no reasonable prospect of a site being used for that purpose.

## PRINCIPLE OF RESIDENTIAL USE

4.7 It is noted that the proposal seeks to convert the main buildings at 1-9 St Leonard's Place and 2-4 Museum Street back to their original residential use, and in

addition, mews houses would be built to the rear and the former stable building would be converted to a two bedroom property. In order to ensure the vitality of town centres the NPPF states that Local Planning Authorities should recognise the role that residential development can play in town centres and states that policies should encourage residential development on appropriate sites. In locational terms the NPPF guides new residential development towards sites within sustainable locations near to public transport and local facilities. As a City centre site, the site falls within a sustainable location being within short walking distance of shops and other facilities and existing bus stops. It is noted that the dwellings would contribute to the housing supply in York and would provide a range of larger two plus bedroom apartments and larger town houses.

## IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA, HERITAGE ASSETS AND THEIR SETTING

4.8 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Section 66 of the same Act requires the Local planning authority to have regard to preserving the setting of Listed Buildings or any features of special architectural or historic interest it possess. The NPPF states that Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and that they should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise para 129. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the to the asset's conservation. The more important the asset the greater the weight should be. Where a proposed development would lead to substantial harm or to total loss of significance consent should be refused, unless this is necessary to achieve substantial public benefits; where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal. The NPPF goes on to state that Local Planning Authorities should look for opportunities within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance, para 137.

4.9 The application site falls within the Central Historic Core Conservation Area and within the Area of Archaeological Importance where there are both designated and undesignated heritage assets of national importance. The whole of the application site lies within Character Area Four: 'Museum Gardens and Exhibition Square' which contains a concentration of cultural and civic uses. 1-9 St Leonard's Place, is listed at grade II\*, and 2&4 Museum Street is listed at grade II. The stable block is curtilage listed, built into the City walls; Scheduled Ancient Monument (SAM 30). A

section of the Roman wall (listed at grade I) lies within the car park and the site backs on to the City walls. The site contains a number of important amenity trees within the existing car park and to the rear of the site that soften the setting of the heritage assets.

4.10 The crescent form of St Leonard's Place is distinct, and the classical composition, with its first floor decorative balcony and giant twinned pilaster detail, dignifies the street. Nos. 2&4 Museum Street make a positive contribution to the setting of the structures around Library Square and the buildings are seen within views on a main approach to the Minster. The applicants are not proposing major alterations to the front elevations of the buildings (additional rainwater goods would be attached, a chimney would be removed and metal railings would be installed to a balcony). Architectural details would be cleaned and restored and frontage redecorated, enhancing the appearance of the building.

4.11 Major benefits of the proposals on the character the Conservation Area and setting of the listed buildings are: the removal of C20th buildings of low significance to create some openness for gardens/yards, the restoration of party walls between buildings and re-animation of the street by reopening of main entrances to serve individual properties. This would preserve the setting of other heritage assets in the wider Conservation Area.

4.12 Original proposals for the mews properties to the rear of the site were problematic in that the footprint of the mews intruded on to Library Square, which is framed by St Leonard's Hospital (grade I), the Library and no 4 Museum St (both grade II) affecting its character and setting. Revisions to plans have been submitted following negotiations, and the scheme now provides a suitable separation gap showing the mews buildings with their integral garages in a semi-private zone and service street. The additional space created allows for two trees to be planted to soften this view retaining the integrity of the public space and screening views of the secondary/service lane. This would enhance the Conservation Area and access to the site. In terms of scale the proposed mews development would sit behind no 1-9 St Leonard's Place and as it would be below two storeys it would respect the dominance and amenity of the primary buildings.

4.13 Revisions were sought to the proposals for the former stable building set within the City walls (Scheduled Ancient Monument ) to ensure that the scheme better reflected its historic character and function and this has been achieved by the removal of large areas of glazing and retention of original features. It is noted that Scheduled Ancient Monument Consent has been granted by English Heritage for the works to the former stable block as part of this scheme.

4.14 The Council for British Archaeology has commented that significant benefits could arise from the scheme by creating an interpretation area in the former stable block, a viewing platform on the walls and by reconsidering the enclosure of the

former Roman wall in the car park area. A letter has also been received from a local resident highlighting the opportunity that the application presents for the opening up public access to the ancient monuments. However, the City Archaeologist has assessed this proposal and states that the area is already covered by the Mint Yard Conservation Management Plan which provides the framework for the future conservation and interpretation of the area. The section of listed Roman wall would still be visible through the railings. He states that the points made by the CBA and resident requiring better access and interpretation of the area are valid. A contribution of £7,500 for interpretation, conservation, repair and new signage for the area to secure positive benefits is therefore agreed with the applicant as part of a Section 106 Agreement.

4.15 A simpler gate/railings detail is now proposed around the private car park which would be more complementary with existing railings at ground floor and large scale details should be conditioned.

4.16 The mature lime tree to the rear of the site would be retained and protected as part of the proposal. The beech and birch to the rear of St Leonard's Place would be removed, and this would be acceptable, subject to relevant approvals. The three sycamores in the raised bed adjacent to the former finance centre would be removed and replaced with two new trees at ground level and this is acceptable subject to detail. Conditions should be imposed to ensure that trees are protected during construction and to ensure that a suitable landscaping/tree replacement scheme is provided.

4.17 The NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, an appropriate desk based assessment or field evaluation should be submitted. The applicant has submitted a comprehensive archaeological desk-based assessment. The proposed works, including demolition, extension, pathway, walls, and landscaping may have an impact on sub-surface archaeological deposits; however, these impacts are acceptable if mitigation measures are in place and this can be achieved through recording and a watching brief. This would be conditioned. The significant collection of carved medieval stonework that is incorporated into the current landscaping at the rear of 1-9 St Leonard's Place and within the raised planting bed, must be retained on site and this would be subject to condition.

4.18 Taking the above into account, and subject to conditions to ensure appropriate resolution of detailed matters, the proposal would preserve and in part enhance the character and appearance of the Conservation Area and the setting of the heritage assets, the proposal would secure positive benefits for public interpretation/ repair and conservation of assets. This would be in accordance with the requirements of the NPPF and with Policies HE3 and HE4 of the DCLP 2005.

## AIR QUALITY

4.19 Para 123 of the NPPF requires that adverse impacts on health and quality of life are mitigated and reduced and that planning decisions should ensure that any new development in Air Quality Management Areas (AQMAs) is consistent with the local air quality action plan. Policy GP4b requires proposals for development within AQMAs to assess their impact on air quality. Both of St Leonard's Place and Museum Street are an AQMA. The streets are classified as AQMA due to elevated concentrations of nitrogen dioxide which are primarily produced by motor vehicles. The AQMA is given to the area as it is considered that their needs to be an improvement in air quality for the benefit of public health.

4.20 Not adding to the existing air quality problems in the area is of important, and both the Environmental Protection Unit and Highways Network Management are content that the application would not increase vehicle trips over and above the former office use of the site and therefore the proposed residential use would not result in a reduction in air quality.

4.21 The Environmental Protection Unit has concerns regarding the air quality impacts on future occupiers, and concerns primarily focus on habitable rooms (living rooms/bedrooms) which have a windows that directly open onto a the main facades to St Leonard's Place and Museum Street.

4.22 The applicants have devised a strategy for overcoming this concern. A ventilation strategy has been submitted which allows all rooms to be mechanically ventilated by clean air drawn from the rear of the building. In addition to this, EPU also recommend a condition that all windows fronting onto St Leonard's Place and Museum Street which serve habitable rooms are to be non-opening. However, EPU have agreed a further period of air quality monitoring and note that should levels be found to fall within acceptable standards on upper floors of the building, this requirement would be relaxed. A condition is therefore recommended to this effect and this has been accepted by the applicants.

4.23 Subject to the condition proposed, the scheme would comply with Policy GP4b of the DCLP 2005 and with national guidance contained within the NPPF.

## NOISE

4.24 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life, para 123 and Policy GP1 of the DCLP 2005 requires that there should be no undue adverse impact from noise disturbance.

4.25 A Noise Assessment was submitted in support of the application and additional monitoring provided to show night time noise levels and levels at the Museum Street facade, which had been omitted from the original submission. It is

deemed that some form of mitigation is required in order to achieve the required level in terms of average ambient noise levels and also individual noise events.

4.26 The proposed mitigation could consist of secondary glazing, or renovation of the existing windows, if this could be achieved to an acceptable standard for noise purposes and in listed building terms. A condition is therefore recommended covering the noise mitigation strategy. Discussions regarding the most appropriate method are continuing. Subject to the proposed condition, the proposal would be in accordance with the local adopted standards for the AQMA and with expectations of the NPPF.

## NEIGHBOURING AMENITY

4.27 The National Planning Policy Framework requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Local Plan Policy GP1 requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.28 There are few residential dwellings in close proximity to the application site and it is not considered that adverse impacts would arise in this respect. The mews properties introduced to the rear of St Leonard's would not have windows in the rear elevations facing the St Leonard's Place properties, although there would be smaller conservation style roof lights in the rear roof plane and they would be to non-habitable rooms which is acceptable.

4.29 In terms of the amenity of future occupants, the surrounding area experiences elevated sound levels given the level of traffic and general activity associated with the city centre. However, EPU agree that this could be dealt with by appropriate mitigation and a condition is recommended. It is proposed that air quality issues are dealt with by means of mechanical ventilation and that a suitable condition in respect of ventilation methods and window openings is applied. EPU recommend a condition requiring an Environmental Management Scheme for minimising the creation of noise, vibration and dust during the demolition. The properties would have limited private amenity space, but this is a city centre location close to parks and public open space where private space to suburban standards could not reasonably be expected.

4.30 Taking the above into account the proposal complies with the requirements of the NPPF and with Policy GP1 of the DCLP 2005.

## HIGHWAYS

4.31 The site is within a sustainable urban location with good access to public transport and is within short walking distance of City centre shops and facilities. The application is supported by a Transport Statement. The site currently has 25 car spaces accessed from St Leonard's with some access via the rear lane served from Library Square. The proposed scheme would use both these access points and therefore provision would not markedly differ from that of the former office use.

4.32 The 25 space car park at St Leonard's Place has already been closed to the public following the closure of the former Council offices, and its loss is therefore accepted. The layout of the car park would be revised to create a private gated car park for residents with 29 spaces. In addition there would be 13 spaces provided in garages accessed via the rear access served from Library Square. The level of car parking proposed meets CYC Annex E maximum standards and when considering the location and sustainable nature of the site is considered to be appropriate.

4.33 In terms of cycle parking in line with both transport policy and the importance of encouraging and facilitating cycling as a genuine option, it is felt that secure, covered and easily accessible/convenient cycle parking should be provided within the site. Originally cycle parking was proposed only within the basement of the building, but further to negotiations, revised plans have been received providing surface cycle storage in a dedicated building 8 Josta racks (double height) for 16 cycle and also storage within garages and a rear garden. 40 spaces would be provided (20 in the basement) and this would be subject to a condition.

4.34 Refuse storage and collection was originally planned from the front of the buildings; however, drawings have now been revised to show an enlarged refuse storage area to the rear of the buildings and an area within the car park. This would protect the visual amenity of the area and setting of the historic buildings. Servicing would be off the rear lane via Library Square which was the servicing route for the Council offices and from St Leonard's Place near to the private car park.

4.35 The proposal conforms to the expectations of the NNPF and meets local standards in terms of cycle and car parking standards.

## SUSTAINABILITY

4.36 Policy GP4a of the Development Control Local Plan requires a sustainability statement to be submitted with a planning application. In addition, the updated Interim Planning Statement (IPS) on Sustainable Design and Construction provides additional guidance to developers in respect of complying with the sustainability requirements of Policy GP4a.

4.37 In accordance with the IPS, the scheme will be expected to meet at least BREEAM Very Good standards for the 29 multi-residential flats, BREEAM Eco-Homes Very Good standard for the refurbished houses and Code 3 for Sustainable



Homes for the new build mews properties. It is recognised that due to the listed status of the existing buildings, that the applicant may be unable to achieve the above standards and if this can be demonstrated via written evidence, other suitable measures could be put in place which would satisfy local policy. A condition to the effect should therefore be imposed if Members are minded to approve the application to ensure the requirements of GP4a are met.

## ECOLOGY

4.38 DCLP Policy NE6 states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating the proposed mitigation measures. Planning permission will only be granted for development that would not cause demonstrable harm to species protected by law or their habitats

4.39 The area around the application site is of value to bats with good quality foraging, commuting and roosting habitat. A survey was carried out by the applicants in March 2012 and this was updated in 2014. The survey noted that the application site has moderate potential for roosting bats, but subsequent emergence surveys did not identify any roosts, concluding that the proposals are unlikely to impact on bats. However, recognising the roost potential of the buildings, the City Ecologist recommends that a protected species informative be added, if this application is approved.

## AFFORDABLE HOUSING

4.40 The National Planning Policy Guidance (NPPG): Planning Obligations at paragraphs 12 – 23 was revised on 28 November 2014, with immediate effect .

4.41 In summary the main points to consider in respect of this application are:-

- Where a vacant building is brought back into any lawful use, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions would be required for any increase in floorspace.
- Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation.

- The vacant building credit applies where the building has not been abandoned.

4.42 The application involves only 3 new build mews cottages, but conversion of existing listed dwellings previously used as offices (now vacant) into 29 apartments and 5 town houses and 3 mews cottages. If the guidance is applied, the St Leonards development falls below the threshold for tariff style contributions and affordable housing. It constitutes a conversion of a redundant building, which will not increase floorspace, and therefore the vacant building credit would apply. Affordable housing contribution would only be required in respect of any increase in floorspace.

4.43 However, as set out in the Housing Development team's consultation response, the development has already been independently evidenced as viable and does not need special provision in place to help bring it forward. Viability is a material consideration as well as the NPPG, and viability evidence, where already available could be considered to outweigh the new guidance. A published Parliamentary note from the Minister of State, Department for Communities and Local Government also published 28<sup>th</sup> November 2014 clearly highlights that the amendments to the guidance seek to bring forward development that is otherwise being stalled because of disproportionate burdens such as affordable housing and other commuted sum payments. In these circumstances and given the advanced nature of the assessment of viability which has shown that an affordable housing contribution could be made, officers consider it is reasonable to pursue a payment in this particular case.

4.44 The Valuer's appraisal has concluded that a sum of £298,169 is viable as an off site contribution towards affordable housing. On-site affordable housing has not been sought in this instance due to viability, high maintenance and service charges, and heritage considerations. The staged payments based on sales value as set out in the consultation response recognise the fact that the works will effectively need to be undertaken at one time, and so the possibility of recouping some value (as in for example a traditional housing estate build out) to then put back into fund the rest of the development and other contributions is limited. Any agreement would also allow for an appropriate off-site affordable housing scheme to be developed as may be agreed in lieu of paying a commuted sum to the Council, but to at least an equivalent value.

4.45 The developer has accepted this approach to the affordable housing contribution which would be set out in a section 106 agreement.

## **5.0 CONCLUSION**

5.1 The site contains a number of designated and non designated heritage assets. St Leonard's Place and Museum Street are vacant, as is the former stable block. The buildings are important individually as Grade II and II\* listed structures as well

as significantly contributing to the character of this part of the City Centre within the Central Historic Core Conservation Area, the stable block forms part of the City walls Schedule Ancient Monument. Maintaining an active use for these buildings is considered of utmost importance. The scheme preserves the character and appearance of the Conservation Area and the setting of the heritage assets on and around the site.

5.2 Due to the relocation of Council Services to West Offices there is to be no loss of office accommodation in real terms as a result of the proposed change of use. The buildings were originally built as individual houses (with a lending library and a club) and do not offer the type of office accommodation which is now considered desirable, buildings cannot easily be adapted to meet modern office standards or requirements. The proposed development would retain the important character of the buildings whilst providing a new active and sustainable use, and safeguarding their long term future.

5.3 For the reasons outlined in this report, the application is recommended for approval subject to a S106 Agreement securing contributions in respect of open space, sustainable transport way-finding/archaeology and affordable housing and the following conditions.

Heads of Terms S106:

- Open Space - £64,500 for open space, play and sport;
- Sustainable Transport - £12,800 (£160 per unit contribution towards the city car club and £160 per unit for cycle/cycle equipment).
- Archaeological Repair/Interpretation - Up to £7,500 to undertake repairs and highlight archaeology in area as public access is limited.
- Affordable housing financial contribution of £298,169 in 3 equal payments dependant on achievement of specified sales value thresholds, or provision of off site affordable housing to an equivalent value.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION**

- Defer Pending completion of a satisfactory Section 106 Agreement to secure the matters set out in paragraph 5.1 above
- Grant delegated authority to officers to approve on completion of the Section 106 Agreement, subject to the following conditions:-

1 TIME2 Development start within three years -

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

Proposed site plan 106/14 (02) 091 Rev J

Proposed basement floor plan 106/14 (02) 020 Rev J

Proposed ground floor plan 106/14 (02) 021 Rev K

Proposed first floor plan 106/14(02) 022 Rev G

Proposed second floor plan 106/14 (02) 023 Rev H

Proposed third floor plan 106/14 (02) 024 Rev H

Proposed roof Plan 106/14 (02) 026 Rev J

Mew properties:

Plans and elevation mews properties 106/14 (02) 085 Rev G

Plans and elevation mews properties 106/14(02)0083 Rev E

Plans and elevation mews properties 106/14 (02)082 Rev F

Proposed street elevations 106/14(02)034 Rev F

Proposed Street Elevations 106/14 (02)033 Rev H

Proposed street elevations 106/14 (02) 032 J

Proposed 6 St Leonards Mews (coach house) plans and elevations 106/14 (02) 086 Rev F

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

3 Investigation of Land Contamination

Prior to commencement of development, an 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 shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details prior to first occupation of the dwellings hereby approved.

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:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o 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.

#### 4 Submission of Remediation Scheme

Prior to the commencement of the development, 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 to submitted to and approved in writing by 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.

NOTE: The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall 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.

## 5 Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with approved details 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.

6 Prior to first occupation of the dwellings hereby approved, one electric vehicle recharge point shall be installed within the private car park to promote the use of low emission vehicles on site. The location and specification of the recharge point shall first be agreed in writing with the Local Planning Authority and shall be carried out in accordance with the approved details prior to first occupation of the dwellings.

Note: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles thereby contributing to the aims of improving air quality within this Air Quality Management Area, in line with the Council's adopted Low Emission Strategy and the National Planning Policy Framework (NPPF).

7 Prior to first occupation of the dwellings hereby approved, a three pin 13 amp electrical socket shall be installed within each garage space in a suitable position to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles thereby contributing to the aims of improving air quality within this Air Quality Management Area, in line with the Council's adopted Low Emission Strategy and the National Planning Policy Framework (NPPF).

8 Prior to commencement of the development, an Construction Environmental 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. 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 local residents and businesses.

9 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq (8 hour) and 45dB LAmax inside bedrooms at night (23:00 - 07:00 hrs ) and 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These noise levels shall be observed with all windows shut in the particular and other means of acoustic ventilation provided. The detailed scheme shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before the use approved in each respective phase of dwellings is occupied. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of residents.

10 Unless otherwise agreed in writing by the Local Planning Authority all demolition and construction works and ancillary operations which are audible at the site boundary, including deliveries to and dispatch from the site, shall be confined to the following hours:

- Monday to Friday - 08:00 to 18:00
- Saturday - 09:00 to 17:00
- Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents and businesses.

11 All windows to habitable rooms (bedrooms and living areas) to the St Leonard's Place and Museum Street facades shall be non-opening, with ventilation

provided through continuous mechanical supply and extract (with heat recovery), unless otherwise agreed in writing by the Local Planning Authority. The windows shall remain non-opening unless it is demonstrated, to the satisfaction of the Local Planning Authority, that air quality would be acceptable for residents. Details of the mechanical ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to first occupation of the building and the scheme shall be carried out in accordance with the approved details, prior to first occupation.

Note: In line with the above concerns regarding poor air quality, balconies of any description to the St Leonards Place / Museum St facade would not currently be desirable in this particular location as they may encourage residents to spend extended periods outdoors in an area of potential poor air quality. The additional monitoring being undertaken by the applicant will help to clarify this position.

Reason: In the interests of the health and amenity of residents.

12 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, density (spacing), and position of trees, shrubs and other plants. The scheme shall include two suitable replacement trees at ground level, in place of the three Sycamores off Library Square. The planting scheme shall be implemented within a period of six months of the first use of the dwellings hereby approved. Any trees or plants which within a period of five years from the substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local authority approval and notification respectively within and beyond this five year period.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species, since the landscape scheme is integral to the amenity of the development.

13 Prior to the commencement of development or associated operations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details of protective fencing, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin where applicable. It is particularly important that the statement also includes construction details and methodology for the surfacing and kerbing of the car park. The approved protection measures shall



then be implemented in accordance with written approval prior to the commencement of development on the site.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are within a Conservation Area and are considered to make a significant contribution to the amenity of the development and public amenity.

14 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information:

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours;
- where contractors will park;
- where materials will be stored within the site;
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

15 Prior to the commencement of any works on site, a detailed specification identifying the surfacing and improvement works to the rear access lane serving the mews properties from Library Square, shall be submitted to and approved in writing by the Local Planning Authority. Such a specification shall include at least the following information:

- Typical cross sections;
- Surface materials;
- Drainage proposals with levels.

The surfacing and improvement works shall then be implemented in accordance with the approved specification prior to the first occupation of the dwellings hereby approved.

Reason: To ensure that the improvement works are carried out to the necessary specifications and in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

- 16 HWAY40 Dilapidation survey -
- 17 HWAY29 IN No gate etc to open in highway - garage doors
- 18 HWAY18 Cycle parking details to be agreed -
- 19 HWAY19 Car and cycle parking laid out -

20 The existing rear garden area of St Leonards Place and raised bed adjacent to the former Finance Centre contain carved stonework. This stonework shall be retained on site unless otherwise specified through archaeological conditions and/or agreed in writing by the Local Planning Authority. These evidential remains should be protected whilst work is being carried out on site and the protective measures should be agreed in writing by the Local Planning Authority, prior to commencement of development and the works shall then be implemented in accordance with the agreement.

Reason: To create a visually acceptable appearance and to retain stones on site which are of archaeological value.

21 Prior to the commencement of the development, and unless otherwise agreed in writing by the Local Planning Authority, the developer shall submit for the written approval of the Local Planning Authority an initial assessments to show that:

Refurbished homes: shall be constructed to the appropriate BRE Environmental Assessment Method (BREEAM) Eco-Homes standard of 'very good'.

Apartments: shall be constructed to the appropriate BRE Environmental Assessment Method

(BREEAM) standard of 'very good'.

New build mews properties: shall be constructed to Code 3 Sustainable Homes.

A post construction stage assessment shall be carried out and a final post construction stage certificate shall be submitted to the Local Planning Authority within 6 months of first occupation of the development. Should any of the buildings fail to achieve the specified standards a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve that standard. The approved remedial measures shall then be implemented within a timescale approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with

the requirements of GP4a of the City of York Development Control Local Plan and the City of York Council Interim Planning Statement 'Sustainable Design and Construction'.

22 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details. Large scale details to be at 1:50, 1:20 or 1:5 as appropriate and supplemented with manufacturer's literature where appropriate.

1 - 9 St Leonards Place and 2-4 Museum Street, including car park area

- External railings, gates, changes to boundary walls, new enclosures/compounds, new bridge access, new external basement
- steps, external lighting
- restoration details of existing house walls to repair scars where previous extensions are proposed for removal
- new extensions to rear
- amendments to rear boundary wall of billiard rooms
- extensions at roof level to house lift enclosures, including raised parapets
- alterations to chimneys (disused chimneys must be vented)
- alterations to existing windows (their renewal in double glazing will not be supported)
- new rooflights (to be conservation type, recessed with glazing bars) and lanterns. Original rooflights shall be repaired not replaced.
- new external doors and openings. Doors proposed in previous window openings shall be designed to fit the existing opening
- new attached raised platform to rear of no. 9 St Leonard's Place
- additional balustrade guarding at no. 4 Museum Street
- new balustrade at high level no. 2 Museum Street
- new rainwater goods and consequent alterations for installation on front

elevations

- changes to front entrance doors, including entry-phone systems
- protective measures for basement light-wells at no. 9 St Leonard's Place where overlaid for safety
- a schedule of repairs (including any proposals for cleaning together with justification)
- a schedule of external decoration
- details of any equipment located external to the buildings and details of external extracts and ventilation grills (locations and types)

### Mews style properties

- 1:20 sections through the external walls at window positions showing the relationship between the eaves, wall and window openings, soffit overhangs and garage doors, structural posts
- Details of windows, external doors and door openings; and garage doors shall be provided. Details should include proposals for guarding of full height windows
- Verge details shall be confirmed
- Drawings shall be annotated with materials

### Coach House/stables

Large scale details (1:20 & 1:5) should be provided of the following elements:

- Windows (shown in timber and recessed within existing openings)
- External doors. Existing openings should be reused. Doors should retain characteristic robustness
- External door guarding to rear (this should be fixed within and not across the opening)
- Garage doors
- Rooflights should be recessed and of the conservation type with glazing bars

- External balustrade

Reason: So that the Local Planning Authority may be satisfied with these details in order to protect and preserve the historic significance of the listed buildings.

24 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used including areas of making good (supplemented by manufacturer's literature where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

25 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the external hard landscaping materials to be used, including paths, paving, ramps, railings, gates and other fixed structures introduced into the ground, shall be submitted to and approved in writing by the Local planning authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

26 Prior to the commencement of development, details of all external lighting, including locations wiring runs, and details of luminaires shall be submitted to and approved in writing by the Local Planning Authority. Ambient light levels shall be low particularly around trees. The development shall be carried out in accordance with the approved details.

Reason: To ensure a visually acceptable scheme.

27 ARCH2 Watching brief required -

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. POSITIVE AND PROACTIVE STATEMENT**

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: Pre-application meetings and advice; negotiated on the submitted scheme to ensure the scheme could be recommend for approval; and

used planning conditions and Section 106 agreement to mitigate against any unacceptable impacts that would otherwise arise.

## 2. INFORMATIVE - PROTECTED SPECIES

In the UK, due to the decline in bat numbers in the last century, 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 (2010). 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 for the development to enhance the 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  
(see [http://www.bats.org.uk/pages/accommodating\\_bats\\_in\\_buildings.html](http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html) for more information).

## 3. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

## 4. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

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Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

**Contact details:**

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