

COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Micklegate
Team: Major and Commercial Team **Parish:** Micklegate Planning Panel

Reference: 15/00114/FUL
Application at: The Malt House Lower Darnborough Street York YO23 1AR
For: Conversion into 6no. residential units
By: Northminster Limited
Application Type: Full Application
Target Date: 17 June 2015
Recommendation: Delegated Authority to Approve subject to Section 106 Agreement

1.0 PROPOSAL

THE SITE

1.1 Clementhorpe Maltings is a late 19th century former malt house located between Lower Ebor Street and Lower Darnborough Street in Clementhorpe. It is a three storey rectangular brick building aligned north-south. The tiled pitch roof covers the main section of the building with a pyramidal roof to the drying kiln at the south end, topped by a tall, square kiln cowl. The regular placed timber windows have been blocked up over time.

1.2 An enclosed courtyard is positioned to the front of the building on Lower Darnborough Street but the site itself extends the full width of the plot between the two streets. Small 19th century terraced properties with rear yards line Lower Ebor Street and Lower Darnborough Street to the east. More modern development, St Bridget Court with associated car park, is immediately adjacent to the west. Opposite The Maltings is Clementhorpe community hall and on Cherry Street is a health centre. The area benefits from being a short five minute walk from the Bishopthorpe Road of shops and restaurants, and a 15 minute walk into the city centre with its full range of facilities. Rowntree Park is within five minutes of the property.

1.3 Clementhorpe Maltings is Grade II listed. The National Heritage List for England states the reason for the building's designation as a 'highly legible example of a small, urban late 19th century maltings, both in external appearance and the retention of all the key components of the process, namely barley and malt storage, steep, growing floors and kiln. It retains rare machinery relating to the malting process.'

1.4 A Roman burial ground is identified to the immediate west of the building, currently operating as the car park for St Bridget Court. The site itself is within the city centre area of archaeological importance. The building is not in a conservation area.

1.5 The River Ouse is located approximately 170 metres to the east of the site. The building is predominantly Flood Zone 2, with the north-west corner Flood Zone 1 (and land to the east) and the south-east corner of the building Flood Zone 3.

PLANNING HISTORY

1.6 Clementhorpe Maltings was acquired by the City of York Council in 1963 and is still in the Council's ownership. Since this time it was used by York Museum's Trust for storage until 2007 when it became vacant. In January 2012, it was included as part of the Genius Challenge 1 Community Consultation and whilst some suggestions for the future use were identified, no viable alternative development could be supported. Later in 2012, the conversion of the building into a brewery, visitor centre, exhibition space and small starter units was examined but was also determined to be unviable.

THE PROPOSAL

1.7 A full planning application and a separate listed building consent application have been submitted for the conversion of the building into six town houses, arranged vertically, of two 2-bedroom units and four 3-bedroom units. The scheme seeks to preserve the character of the building and its former industrial use, including preservation of the rare machinery relating to the malting process, in situ where possible, or moved to the lobby for public viewing by residents and their visitors, or used elsewhere in the building. The building has significant structural issues but the proposals will conserve its long term future.

1.8 Units 2, 3, 4 and 5 are accessed from Lower Darnborough Street via an existing first floor entrance in the northwest corner, with a new external platform and steps within the yard. Residents will enter into a large double height lobby displaying the retained cistern steep, dressing machine, hopper and relocated bucket hoist. The units are arranged back-to-back against a central corridor with the accommodation stacked vertically. Units 1 and 6 are accessed from a separate existing entrance on Lower Ebor Street, again into a double height lobby housing the original furnace.

1.9 The original wooden sliding malt bin doors are to be retained as a feature and positioned adjacent to the modern doors at the entrance to each of the flats. Sections of the original floor tiles in the northern lobby will be cleaned and retained. Materials used will reflect the buildings original industrial character and include timber and corten steel.

1.10 The vertical split of accommodation comprises storage space on the ground floor for all units. Kitchen and utility spaces for Units 1 and 6 are also on the ground floor with mezzanine dining space at first floor level for these units (minimising the impact on archaeology and mitigating flood risk).

New partition walls run vertically between east and west sides bracing the structure. The existing frame is retained throughout the building and exposed in the northern lobby. Generally, the most generous head heights are provided in the living areas with lower ceiling heights reserved for the bedroom areas and the ground floor storage.

1.11 The enclosed courtyard will be used as a communal space and for the storage of refuse and recycling with planter beds to soften the scheme and benches. Secure cycle storage with Sheffield Stands will be provided in the ground floor storage areas for each unit, with a ramped cycle run to the right of the stairs to the ground floor level. Parking is proposed on-street within the residents parking zone on Lower Darnborough Street and unrestricted parking on Lower Ebor Street. Negotiation with the developer on means of encouraging non-car modes of transport has resulted in agreement to fund a Traffic Regulation Order to seek to provide a car club bay (probably on Lower Ebor Street), provision of bus passes for six months or cycle vouchers to the value of £160 per dwelling to first occupiers and City Car Club membership and drive time for six months to first occupiers. This can be secured through a Section 106 Obligation.

1.12 Bat emergence surveys are being undertaken and will be reported by the applicant on 9th June ahead of the sub-committee meeting. An officer update will be provided at the meeting.

1.13 The associated listed building consent application (15/00115/LBC) is also reported on this agenda.

1.14 The application has been called-in for determination at sub-committee at the request of Councillor Gunnell as it is a listed building situated in a dense residential area.

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The sections in the NPPF most relevant to this proposal include:

- Chapter 4 – Promoting sustainable transport
- Chapter 6 – Delivering a wide choice of high quality homes

- Chapter 7 – Design
- Chapter 10 – Flooding
- Chapter 12 – Preserving and enhancing the historic environment

2.2 The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

Status of the emerging York Local Plan Publication Draft (2014)

2.3 Following the motion agreed at Full Council in October 2014, the Publication Draft of the York Local Plan is currently not progressing through its statutory consultation pending further consideration of the Council’s housing requirements and how it should meet those requirements. The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of the planning application.

2.4 Relevant emerging policies are as follows:

- Policy DP2: Sustainable development
- Policy DP3: Sustainable communities
- Policy H2: Density of residential development
- Policy H3: Balancing the housing market
- Policy H9: Affordable housing
- Policy D2: Placemaking
- Policy D3: Extensions and alterations to existing buildings
- Policy D5: Listed buildings
- Policy D7: Archaeology
- Policy D9: City of York Historic Environment Record
- Policy CC2: Sustainable design and construction
- Policy ENV4: Flood risk
- Policy ENV5: Sustainable drainage
- Policy T1: Sustainable access
- Policy DM1: Infrastructure and developer contributions

Status of the City of York Draft Local Plan (2005)

2.5 The City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005) has been adopted for Development Control purposes, but it

does not have statutory development plan status. Its draft policies are capable of being material planning considerations and are considered to carry some limited weight where they accord with the NPPF.

2005 Draft Development Plan Allocation:

2.6 Relevant allocations include:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Floodzone 2 GMS Constraints: Flood Zone 2
Floodzone 3 GMS Constraints: Flood Zone 3
Listed Buildings GMS Constraints: Clementhorpe Maltings Lower Darnborough Street; Grade 2

2005 Draft Development Control Local Plan policies:

2.7 Relevant allocations include:

CYSP3 Safeguarding the Historic Character and Setting of York
CYGP1 Design
CYGP4A Sustainability
CYGP15 Protection from flooding
CYHE4 Listed Buildings
CYT4 Cycle parking standards
CYHE10 Archaeology
CYH4A Housing Windfalls
CYT20 Planning agreements
CYGP9 Landscaping
CYNE6 Species protected by law

Statutory duty – Planning (Listed Buildings and Conservation Areas Act 1990 (as amended))

2.8 Section 66 requires the Local Planning Authority when determining planning applications for development that affects a listed building or its setting to 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.

2.9 Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning

judgment but it must be informed by that need to give special weight to the desirability of preserving the building. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

2.10 This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management Conservation Architect

3.1 In general the requirements for residential use cannot be met in this type of building without a significant change of internal and external character. The particular constraints are lack of light and outlook, sub-standard head height, structural problems, space taken up by machinery, restricted access and little external space.

3.2 These proposals have used the constraints to develop an imaginative proposal which preserves many special qualities of the building, including its equipment and which would achieve good residential amenity. The alterations would enable the external character of the building as a malthouse to be understood, and they would preserve the internal openness of the interior at the north end whilst managing to retain the structure and equipment intrinsic to the building in its current location.

3.3 No other viable use has come forward in the last ten years; therefore the ingenious residential scheme is seen as optimal viable use compatible with the building's long term conservation and as such it has public benefit. Subject to minor alterations suggested, the scheme would be supportable as sustaining the special architectural and historic interest of the building for the future.

City Archaeologist

3.4 The site lies in the Area of Archaeological Importance in an area where significant undesignated heritage assets (Roman burials) have been found. The applicant has carried out a number of small geotechnical investigations on the site, all of which have been observed by an archaeologist. This has revealed no archaeological features, although the area observed amounts to a very small sample of the site. There is a possibility that groundworks for the proposed

development may reveal features and deposits and where uncovered these must be recorded. An archaeological watching brief on all groundworks is necessary. Attach standard condition ARCH2 on any consent that is granted for this application.

Ecologist

3.5 Requested a bat scoping survey which was submitted and reviewed by the Council's Ecology officer. The survey found no evidence of void dwelling species of bat, and confirmed the presence of features suitable for crevice dwelling bats. The report states that as the presence of crevice dwelling bats is not yet known an impact assessment is not possible at this stage and recommends emergence surveys are undertaken. Overall the building is assessed as having 'moderate risk' of bats being present.

3.6 The presence of a protected species is a material consideration when considering a development proposal. The presence or otherwise of protected species must be determined and the extent that they may be affected by the proposed development. In this case, where there is a reasonable likelihood of bats being present, it is not possible to do that without undertaking emergence/re-entry surveys.

3.7 The Bat Conservation Trust Bat Surveys: Good Practice Guidelines (2nd Ed, Hundt, 2012) recommends that for buildings with low to moderate potential, in order to provide confidence in negative preliminary roost assessment results, two dusk emergence and/or pre-dawn re-entry surveys should be undertaken between May and September, with the optimum period being May - August.

3.8 Subsequently, a bat emergence/re-entry survey was requested from the applicant prior to determination of the application.

Environmental Protection Unit

3.9 No objections. A condition is proposed relating to the reporting of unexpected contamination and demolition together with construction informatives.

Highways Network Management

3.10 Highways Network Management have no objections to the development from a highway point of view. No off street parking is proposed, however the applicant has agreed to a number of initiatives relating to promoting low car ownership and the location of the development is situated in a very sustainable location.

3.11 The property is situated in a residents parking zone. There is some capacity within the zone to allow the residents to park which can cater for the maximum number of cars allowed under CYCs Annex E standards. To mitigate the need for parking as a result of this application, funding has been agreed to substitute one residents parking bay with a car club bay, to expand use of this scheme in lieu of car ownership.

We have secured funds from the developer to pursue the traffic order associated with the change of bay and agreement to supply the first occupants with 6 month car club membership and drive time to establish travel patterns from the outset. The car club car will be available to other residents in the vicinity.

3.12 The development is in a sustainable location close to the city centre, local shops, and amenities and is within walking distance of good public transport links. Secure cycle parking within the building for two bikes per apartment is proposed. To establish non car based travel patterns from occupancy, the developer has agreed to provide a 6 month bus pass or cycle vouchers to the value of £160/dwelling for the first occupants of each dwelling.

3.13 The developer is required to reinstate kerb outside double gates to full height kerbs and footway to remove redundant vehicle crossover as there is no longer room to accommodate a parked vehicle within the site. This may be conditioned. Two other standard conditions are proposed together with a non-standard condition on highway management during construction works.

Flood Risk Management

3.14 The development is predominantly in low and medium risk Flood Zones 1 and 2 and with a small corner to the south east of the building in high risk Flood Zone 3. The main access and egress points are within Flood Zones 1 and 2.

3.15 This development will only meet the National Planning Policy Framework's requirements if the attached planning condition is secured relating to: flood proofing/resilience measures, the layout is as in the drawings with no sleeping accommodation at ground floor level, future occupants sign up to the Environment Agency's flood warning service and the courtyard is constructed with permeable material.

EXTERNAL

Environment Agency

3.16 The Environment Agency has advised that the planning authority be satisfied that the Sequential Test and where relevant the Exception Test have been undertaken and passed. If either test is failed planning permission should be

refused. Provided that the development is in accordance with the submitted Flood Risk Assessment they have no objections. You should formally consider the emergency planning and rescue implications of new development.

3.17 All surface water arrangements must be agreed with Yorkshire Water as the proposals state that the development will continue to discharge to the public sewer. Foul drainage arrangements should also be agreed with Yorkshire Water as a mains connection is proposed and alternative means of disposal may need to be investigated. There should be capacity in the receiving sewer and sewage treatment works to accommodate the discharge proposed. This should be resolved prior to the grant of planning permission.

Yorkshire Water

3.18 Any comments will be reported verbally.

Historic England

3.19 Historic England has been consulted on the listed building consent application (ref. 15/00115/LBC). Historic England welcomes the proposal to convert the Maltings into six residential units. Although there would be some harm to significance they consider this would be outweighed by the benefit of providing a viable future for the building, thus sustaining its significance into the future, in accordance with paragraphs 131 and 132 of the National Planning Policy Framework. More detailed comments, including some revisions to the design are discussed in the accompanying listed building consent.

3.20 Given the nature of the building Historic England recognise the need for a relatively high degree of alteration in order to achieve a meaningful and economically sustainable re-use of this building. We are comfortable with the insertion of the internal walls, which will divide the living units and at the same time will stabilise this structure. We are also comfortable in principle with the introduction of extra window openings.

Micklegate Planning Panel

3.21 Supports the application.

Neighbour Notification and Publicity

3.22 One letter in support of the application, and a further letter supporting the principle of the conversion but raising some concerns over details. Four letters of objection have been received. The following concerns have been raised:

- Bats have been observed living in the building; a bat survey should be submitted;
- Objection to residents parking within the residents parking zone as there isn't sufficient capacity. There have been incidents of vigilante vandalism to cars over parking issues.
- Objection to the loss of two existing parking spaces proposed through the creation of access to the Maltings;
- Can parking be provided within the site?
- The large number of roof lights will reduce privacy of neighbouring properties;
- A request that the ground floor windows to the storage areas be non-opening particularly towards parked cars in Bridget Court car park?
- A request that the window at ground floor level looking into the garden of No. 11 Bridget Court be opaque glass and non-opening
- Concerns raised over the impact of any building work on neighbouring properties and the operation of Bridget Court car park, including in particular the use of scaffolding, skips and the storage of materials for long periods of time, impacting on the use of the car park.

Clementhorpe Residents Association

3.23 Objections received with the following concerns raised:

- Car parking and congestion on the surrounding streets;
- Biodiversity and the presence of bats which should be confirmed by a bat survey; and
- Provision for the public to still view the internal workings of the maltings following the residential conversion.

4.0 APPRAISAL

4.1 The main planning issues with this application are:

- The residential conversion of the listed malt house
- Design
- Archaeology
- Highways
- Amenity issues for nearby residents
- Flood risk
- Ecology
- Sustainability

THE RESIDENTIAL CONVERSION OF THE LISTED MALT HOUSE

4.2 The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's overarching planning policies, making a presumption in favour of

sustainable development. However, as this proposal involves a listed building, the presumption in favour set out in paragraph 14 does not apply, and the more restrictive policies at Chapter 12 of the Framework, together with the statutory duty under S66 of the 1990 Act applies.

4.3 Section 66 requires the Local Planning Authority when determining planning applications for development that affects a listed building or its setting to 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. Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building. This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

4.4 The NPPF at Chapter 12 states that heritage assets should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations. Heritage assets are an irreplaceable resource. Local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and put them to viable uses consistent with their conservation and the desirability of new development making a positive contribution to local character and distinctiveness. Great weight should be given to the asset's conservation. Any harm or loss requires clear justification and substantial harm should be exceptional. Where a development proposal will lead to less than substantial harm, the NPPF at paragraph 134 says that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Caution is advised when carrying out this balancing exercise, in that any harm (even where less than substantial) must be given considerable weight and importance by virtue of the statutory duty imposed on the Local Planning Authority by Section 66 of the 1990 Act.

4.5 The detailed response from the Council’s Conservation Architect and English Heritage identifies the specific harm to the listed malthouse as being:

- the loss of openness on each of the floors (three floors plus the loft floor);
- the removal of the timber storage bins which comprise most of the second floor;
- the relocation of double bucket hoist to the lobby from its original position; and

- The additional window openings on the building's exterior elevations and the impact on the character of the external and internal building envelope and roofscape.

4.6 Considering each issue identified as harmful in turn, whilst proposals comprise the loss of openness on each of the floors, the two lobby entrances preserves the internal openness of the interior at the north end and retains the existing machinery in this section in situ including the cistern steep, the dressing machine, hopper and hoist doorway. The large rooflight and other openings will draw in natural light to display and highlight the buildings special features. At the southern end, the entrance lobby similarly retains a double height lobby and the retention of the kiln in situ. Therefore whilst there is some harm, it is minimised.

4.7 The timber storage bins will need to be removed, however the original doors are to be retained in the corridor to the flats in a similar location in the building to their original position and this again mitigates for the loss of the bins as reference is made to the original details. The bucket lift cannot be retained in its present location for maintenance reasons but is relocated in the entrance lobby in the north part of the building. Again this mitigates against some of the harm to the original building.

4.8 Finally, the alterations to the external and internal building envelope created by the additional window openings will change the character of the listed building. However, the original openings, design and details will be replicated in the new timber windows. The additional new openings will be clearly identifiable in style and character being single pane and having aluminium frames. As a result, the harm that may be afforded is mitigated by the clear differentiation in window style so that the original character can still be identified and appreciated and the final number of window openings (alterations were made to the south elevation) retain the strong sense of mass of the building. Therefore, whilst some harm is identifiable to the listed building, it is clearly recognised that no viable alternative can be found and there are also clear and a very positive approach to the conversion which also retains the special character and features of the building and its reasons for listing.

4.9 Overall, the harm to the listed building is considered to be less than substantial having regard to the proposed mitigation measures.

4.10 A proposed condition has been attached to the planning permission and listed building consent requiring a record of the building to be submitted to the City of York's Historic Environment Record which will therefore record the original building prior to the conversion. (Policy D9 City of York Historic Environment Record in the Publication Draft 2014 specifically requires this).

4.11 Paragraph 49 of the NPPF seeks to bring empty buildings back into use. The building is Grade II listed but has some structural issues of concern with associated

significant costs for repair. As confirmed in the applicant's submitted 'Structural Feasibility Report', the building has suffered substantial lateral movement and currently lacks cross walls which would provide resistance to the lateral forces. Whilst the timber floors represent a substantial contribution to the stability of the structure, some decay is evident.

4.12 Considering other material planning issues, twelve core planning principles are identified in the NPPF including proactively driving and supporting sustainable economic development to deliver the homes, business and infrastructure needed; seeking high quality design and a good standard of amenity for future occupants of buildings; and to promote the vitality of urban areas. The different roles and character of different areas should be taken into account. Heritage assets should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

4.13 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should identify and bring back into residential use empty house and buildings. However, as this application concerns the conversion of a listed building, in considering the NPPF as a whole, the more restrictive policies apply to this proposal at section 12 of the NPPF.

4.14 The City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005) has been adopted for Development Control purposes, but it does not have statutory development plan status. Its draft policies are capable of being material planning considerations and are considered to carry some limited weight where they accord with the NPPF. 2005 Draft Policy H4a Housing windfalls in the 2005 Draft Development Control Local Plan states that proposals for residential development not identified on the proposals map will be given planning permission where the site is in the urban area and (amongst other specifications) includes the conversion of an existing building, and has good accessibility to jobs and other services.

4.15 Policy H2: 'Density of residential development' in the Local Plan Publication Draft (2014) states that to ensure the efficient use of land and help maintain local services and public transport provision, housing developments within the York urban area should achieve densities of 50 units/ha. Policy H3 seeks to achieve a balanced housing market by achieving a mix of dwellings within the site. Policy D5 on listed buildings explains that proposals affecting the special architectural or historic interest of listed buildings (designated heritage assets) will be supported where they sustain the significance and heritage values of the building and are accompanied by an evidence based heritage statement and justification.

4.16 Clementhorpe is a popular residential neighbourhood, within walking and cycling distance of the city centre and all its amenities, the local facilities on Bishopthorpe Road, the river and walkways and Rowntree Park.

In the Development Control Draft Local Plan 2005 Policy H4a supports the conversion of existing buildings in urban areas with good accessibility to jobs and services. The principle of residential development in this location is therefore acceptable.

4.17 The building has been vacant and underused for some time. Since 2012, various options have been examined for the reuse and conversion of the building. The residential conversion of the building has been determined to be the only viable option.

4.18 The scheme is considered to be an imaginative residential conversion which preserves the many special qualities of the building, including the malting machinery and other features (discussed further in the listed building consent application). The construction of cross walls will stiffen the building and enhance the resistance to lateral movement. The provision of additional strapping to the floors and roof, repointing, stitch repairs and structural timber repairs will further strengthen the building integral to the conversion will further ensure the long-term life of the building and its special qualities and significantly improve the street scene by removing blight caused by the derelict building and creating an exciting conversion of a historic and valued building. In this context, the proposal constitutes sustainable development and brings an empty building into residential use, both of which are referred to as positive benefits in the NPPF.

DESIGN

4.19 Great importance is attached to the design of the built environment (Section 7 of the NPPF). Good design is a key aspect of sustainable development and should contribute positively to making better places for people. Planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development; respond to local character and history and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation. Developments should create safe environments and should be visually attractive.

4.20 The Development Control Plan 2005 Policy GP1 'design' states that development proposals should respect and enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials; include landscape design proposals where they will have an impact on the quality and amenity of the development; retain and enhance public views and

skyline and other townscape features which make a contribution to the character of the area.

4.21 Policy D2: 'Placemaking' in the Publication Draft 2014 particularly addresses design considerations as well as drawing in other themes.

It states development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. On character and design standards development should ensure appropriate building materials are used, demonstrate the use of best practice, integrate car parking and servicing within the design of development so as not to dominate the street scene, create active frontages to public streets, spaces and waterways, create buildings and spaces that are fit for purpose but are also adaptable to respond to change and create places that feel true to their intended purpose.

4.22 Policy D3 of the Publication Draft Plan supports the conversion of existing buildings where development responds positively to its immediate architectural context and local character, sustains the significance of a heritage asset, positively impacts on the setting, wider townscape, landscape and views and protects the amenity of current and neighbouring occupiers.

4.23 Responding to the principles of good design in Section 7 of the NPPF and 2005 Development Control Draft Local Plan Policy GP1, consideration has been given to whether the proposals establish a strong sense of place; respond to local character and history and reflect the identity of local surroundings and materials. Developments should be visually attractive. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

4.24 The Maltings is located in a dense residential area comprising of small two storey 19th century terraces built to the back of pavement, with rear yards and alleys to the north east and south. To the west, the residential area is more varied with modern development juxtaposed alongside larger two storey Victorian and Edwardian terraces house, set back from the pavement with small forecourts. The Maltings stands out within the neighbourhood as industrial in scale and appearance, with its plot and malt house filling the full width of the plot between Lower Darnborough and Lower Ebor Streets. Taking into consideration that many of the original windows have been bricked or boarded up, the building still presents a strong sense of mass with its simple blocky form, distinctive roofline and elevations with minimal fenestration. The proposals seek to maintain this character but also to convert the building into a comfortable residential environment. As such, the original windows on all four elevations are reopened with a series of new windows also proposed. Overall, four types of timber casement windows are proposed, varying in style or size, but reflecting the original window they are replacing in style and size. Additional window openings are proposed in the elevations to bring daylight and

outlook for the residents of the properties from all rooms. New window openings are distinct, identifiable as new openings through single pane modern style aluminium windows with pressed metal surrounds and reveals.

4.25 Additional daylight is drawn into the residential accommodation through the insertion of rooflights on all facades to improve amenity and reduce the need for artificial lighting. A large long rooflight is proposed at the south end of the building over the lobby which contains the majority of the original machinery. The entrance from Lower Ebor Street to the south of the building will be through contemporary powder coated aluminium glazed doors.

4.26 This additional fenestration in the elevations and roofscape will have a significant impact on the appearance of the buildings, but is considered to be positive. The Maltings no longer performs its original function and the building will clearly demonstrate that it is a residential conversion of a former industrial building. It is considered appropriate and that the varying window styles are used to identify the original position and style of the fenestration and serves to add interest and detail to the street scene.

4.27 The choice of materials, including the replacement of windows to the original style (with deep casements and shutters) the use of timber and corten steel and the retention of machinery in situ where possible, and the reuse of the original malt bin doors and drying floors in the landscaping sets a precedent for the imaginative, high quality reuse of a historic industrial building and great weight should be given to this consideration. The design is considered to be compatible with the original character of the building, neighbouring buildings and the character of the area with its varying historic styles, history and gentrification.

ARCHAEOLOGY

4.28 Section 12 of the NPPF relates to the conservation and enhancement of the historic environment. Heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance. Where development is proposed which includes or has the potential to affect heritage assets with archaeological significance, developers should submit a desk based, and where necessary a field evaluation. Great weight should be given to the asset's conservation.

4.29 The application site lies next to a Roman burial ground and is within the City Centre Area of Archaeological Importance. The 2005 Draft Local Plan explains that the city possesses a wide range of archaeological deposits, some of which are of outstanding importance. York is one of five historic centres that have been designated as Areas of Archaeological Importance (AAI) under the Ancient Monuments and Archaeological Areas Act 1979 and it is therefore a statutory as well as Draft Local Plan designation. Policy HE10 explains that planning permission

for development within this designation will be granted provided that a field evaluation approved by the Council is submitted to assess the extent and importance of any remains and applicants can demonstrate that less than 5% of any archaeological deposits will be disturbed or destroyed. It is assumed that development is usually acceptable but where there is archaeological data it should be recorded.

4.30 Policy D7 of the Publication Draft 2014 on archaeology supports development proposals where they are accompanied by an evidence based heritage statement that describes the significance of the archaeological deposits affected and that includes a desk based assessment and, where necessary, reports on intrusive and non-intrusive surveys of the application site and its setting and is designed to avoid substantial harm to archaeological deposits.

4.31 An 'Archaeology and Heritage Statement', prepared by York Archaeological Trust, is submitted in support of the application. The Statement explains that Roman buildings of 3rd and 4th Century date, associated with a tessellated pavement, have been identified to the north of the site; whereas only Roman burials have been located in the vicinity of the site. The site may lie within an area of Roman burials and other funerary features situated away from any settlement. Clementhorpe Maltings has a sunken semi-basement level and the building seems to have been constructed on thick levelling deposits. Whilst there is the potential for archaeological deposits to be present on site, they may well be preserved beneath these deposits.

4.32 The Statement explains that ground conditions were investigated using hand-held borehole sampling equipment and shallow trial pits, and an archaeological watching brief was undertaken. Given the proposal for relatively shallow foundations (750mm wide by 1200mm depth) the impact on any archaeological deposits was considered low.

4.33 The report recommends a mitigation strategy including a programme of historic building recording including photographs and written observations prior to any works taking place. An archaeological watching brief is also recommended to monitor the excavation of foundation trenches.

4.34 These recommendations are supported by the Council's Archaeologist. The principle of development in terms of archaeological deposits is considered acceptable, subject to conditions attached to the planning permission on the two elements identified above.

HIGHWAYS

4.35 The NPPF explains that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Opportunities should be taken to maximise sustainable transport options.

4.36 A key transport objective in the Local Plan is to reduce pollution, noise and the physical impact of traffic, by restraining growth in the use of motor vehicles. Policy T4 in the Local Plan on cycle parking standards explains that for all new development, cycle parking provision will be required in accordance with standards set out in Appendix E.

Referring to the relevant table in this appendix, 1 covered cycle parking space per two bedroom dwelling and 2 spaces per three bedroom dwelling is required. This is to maintain and promote cycle usage through ensuring a high standard of parking for bikes is provided. The quality and quantity of cycle parking provision is critical if commuters are to be persuaded to cycle on a regular basis.

4.37 The Development Control Draft Local Plan 2005 Policy T20 on planning agreements is relevant as where traffic could be accommodated by the provision of special facilities or appropriate improvements to the highway network affected, applicants will be expected to enter into a Section 106 Agreement to provide or make an appropriate contribution to such improvements. Measures will only be requested where they are directly and reasonably related to the proposed development scheme. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and are fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 (paragraph 122) and as policy tests in the National Planning Policy Framework (paragraphs 176, 203 and 204). The obligation can only be a relevant material consideration if it meets these tests.

4.38 Policy DP3: Sustainable Communities in the Local Plan Consultation Draft (2014) also summarises the approach stating new development should promote integration, connectivity and accessibility to, from and within the site by maximising opportunities for walking, cycling and frequent public transport thereby promoting and facilitating a modal shift from the car to more sustainable and healthier forms of travel. Development should minimise the environmental impact of vehicle trips to and from the development and mitigate the impact of residual car trips on the highway network where possible. Policy T1: Sustainable Access is a general policy which supports development where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including

those with impaired mobility, such that it maximises the use of more sustainable modes of transport.

4.39 Regarding planning contributions, Policy DM1 of the Local Plan Publication Draft 2014 applies on infrastructure and developer contributions, legitimising appropriate physical, social and economic infrastructure provision.

New development will not be permitted unless the infrastructure required to service the development is available, and the necessary infrastructure to meet the local and wider (strategic) demand generated by the development can be provided and coordinated. The Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York.

4.40 The site benefits from being located in a residential suburb just south of the city centre. It benefits from being within a short cycle and a 15 minute walk from the town centre and also the mainline railway station. The neighbourhood centre on Bishopthorpe Road is a five minute walk away and the cycle path (and associated networks) along the River Ouse is short distance away to the east. It is considered reasonable to assume that many journeys undertaken by future occupants would be by non-car modes.

4.41 However, residents may have use of a private car. Lower Darnborough Street is a resident parking zone (which currently includes Clementhorpe Maltings) with Lower Ebor Street free of restrictions and therefore on-street parking is often close to capacity. Advice from Highways Network Management is that there is some capacity in the resident parking zone, but not for the full capacity of vehicles that might be generated by the development.

4.42 It is considered acceptable that the new residents can remain in the resident parking zone on Lower Darnborough Street, subject to measures being adopted to encourage travel by more sustainable means, including the use of a car club. A dropped kerb is located outside the northern entrance and it is considered appropriate to ask the developer to reinstate this curb and to ensure that three spaces adjacent to the kerb are not lost in the parking zone and this can be conditioned. However, to mitigate against higher car ownership, the developer has agreed to enable a car club parking bay to be provided on Lower Ebor Street, south of the site. This requires amendment to the traffic order (about £2,000) and financial incentives to join the scheme; £160/dwelling for city car club membership for the first occupants. The developer has also agreed to provide a 6 month bus pass or cycle vouchers to the value of £160/dwelling for the first occupants. These monies would be required to be supplied prior to occupation of the first unit. These benefits can be secured through a Section 106 Planning Obligation. As the Council is both the landowner and Local Planning Authority in this instance, (and the Council cannot enter into an agreement with itself) it is proposed that prior to issuing any planning permission, a preliminary agreement is entered into with the developer pursuant to

S106 and other enabling powers, in which the developer covenants to enter into an agreed form of S106 immediately on transfer of the land.

AMENITY ISSUES

4.43 The NPPF sets out core planning principles which includes the need to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Relating to design, paragraph 58 explains that developments should function well and add to the overall quality of the area. Design goes beyond aesthetic considerations and address connections between people and places.

4.44 The Development Control Local Plan 2005 Policy GP1 Design sets out the need to provide and protect private, individual or communal amenity space for residential developments; provide communal storage for communal waste and recycling; ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures; and accord with sustainable design principles. The 2005 Draft Local Plan Policy GP9 'landscaping' explains a landscaping scheme should be an integral part of the proposals and reflect the character of the locality and surrounding area.

4.45 Since the building was acquired by the Council, it was used for storage until 2007, when it became vacant. Whilst it is listed, its current poor condition creates an eyesore and its conversion is considered a much needed improvement and a significant mitigating factor in considering the application.

4.46 Notwithstanding that the proposals are for the conversion of an existing building, the scheme introduces new activity into a densely populated residential area. The unblocking of existing windows and creation of new window openings might have the potential to raise issues of overlooking. Site visits and consideration of the position of the windows in relation to neighbouring properties has determined that all but one of the windows is considered acceptable. The development is in a dense residential area where residents to the east of the property benefit from small rear yards. Separation distances between the terraces (discounting rear off-shoots) are approximately 20m with individual terraced properties between 4m and 5m in width. In such environments, rear yards generally have more of a functional quality than as a space for relaxation and opportunities for overlooking and noise impact by existing neighbours is already high. The neighbourhood therefore does not have the same level of privacy as might be expected in suburban locations.

4.47 Overlooking by new residents within the Maltings from new windows will be at an oblique angle and generally above the existing dwellings as the primary habitable rooms (living and dining rooms) are at second floor level for Units 2, 3, 4 and 5 (equivalent to third floor level because of the ground floor storage level).

4.48 For Units 1 and 6, dining areas are at first floor level. However, Unit 1 looks onto the blank end of terrace of No. 10 Lower Ebor Street, with the exception of a small obscured kitchen window at ground floor.

The rear yard boundary wall prevents looking into the rear off-shoot. Unit 6 faces towards Bridget Court car park with separation distances to the dwellings on Cherry Street (Nos. 1 to 3 St Bridget Court) of 20m which is considered acceptable.

4.49 Consideration has been given to any impact of the proposals on No. 3 Lower Darnborough Street which has a rear conservatory. No windows are proposed in the north end of the east elevation and therefore no concerns are raised.

4.50 All windows at ground floor provide light into the storage areas and being non-habitable rooms this is acceptable and no issues of overlooking are raised.

However, on the west elevation, the first floor window of the northern bedroom of Unit 3 looks directly into the garden of No. 11 St Bridget Court. The applicant has agreed to provide obscured glazing in the lower part of this window with the top panes clear. As a bedroom this is a less intensively used habitable room and this is appropriate and acceptable. A condition is recommended.

4.51 In summary, the amenity issues are considered acceptable both for residents of the proposed dwellings and existing neighbours.

FLOOD RISK

4.52 The NPPF at Section 10 considers flood risk. Local planning authorities, when determining planning applications, should ensure flood risk is not increased elsewhere. Paragraph 105 to the NPPF states that applications for changes of use (as with the conversion of The Maltings) should not be subject to the Sequential or Exception Tests but should meet the requirements for site-specific flood risk assessments (further confirmed in the Planning Practice Guidance: Flood Risk and Coastal Change, paragraph 33 and the notes to Table 3, paragraph 67). Buildings used as dwelling houses as identified as “more vulnerable” and in Flood Zone 2 it is “appropriate development”. This classification is relevant when considering the flood risk assessment below. Within the site, the most vulnerable development should be located in areas of lowest flood risk and development should be appropriately flood resilient and resistant including safe access and escape routes where required. Any residual risk must be safely managed. Sustainable urban drainage systems should be prioritised.

4.53 The Development Control Draft Local Plan 2005 Policy GP15 on 'development and flood risk' states that planning applications for proposals in low to medium, and high risk flood areas should submit a Flood Risk Assessment providing an assessment of the additional risk presented by the proposals. Developers must demonstrate that any additional flood risk will be successfully managed to ensure that the site can be developed, serviced and occupied safely. The use of sustainable drainage systems is encouraged in all development to reduce surface water run-off. Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long term run-off from development sites should always be less than the level of pre-development rainfall run-off.

4.54 Policy ENV4 on flood risk in the Local Plan Publication Draft 2014 states that new development should not be subject to unacceptable flood risk and shall be designed and constructed in such a way that it mitigates against current and future flood events. Policy ENV5 relates to sustainable drainage commenting that for all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate (i.e. 30% reduction in runoff), unless it can be demonstrated that it is not reasonably practicable to achieve this reduction in runoff.

4.55 The site is predominantly in low and medium risk Flood Zones 1 and 2 and with a small corner to the south east of the building in high risk Flood Zone 3. The main access and egress points are within Flood Zones 1 and 2.

4.56 A flood risk assessment has been submitted with the application. It explains that risk vulnerability of the site will increase from a 'less vulnerable' to a 'more vulnerable' use. The development would not experience flooding under design flood conditions which are considered to be a flood with a 1% annual percentage chance of occurrence with consideration for climate change. A residual flood risk to the site is associated with the extreme fluvial flood which has a 0.1% annual percentage chance of occurrence. Residual risk from this perspective is mitigated through flood resistant design (including detachable flood gates, flood resilient materials and fittings, floor finishes, closed cell insulation for pipes and wired and non-return valves in the drainage system. Water, electricity and gas meters and heating systems and electric ring mains will all be at first floor level).

4.57 Units 2 to 5 benefit from dry access with the northern entrance within Flood Zone 1. Units 1 and 6 access from the south end of the building onto Lower Ebor Street extends into Flood Zone 2. Advanced evacuation of these dwellings is recommended within the report with fall-back position of safe refuge at first floor level.

4.58 The report considers that the risk of pluvial flooding appears to be low from the wider area although surcharge on site of a combined sewer remains a residual risk. Surface water drainage of the building through the proposals would be largely

unaltered. The provision of both permeable and porous surfaces within the garden would achieve a reduction in impermeable site area by approximately 25%.

4.59 The development will only meet the National Planning Policy Framework's requirements if a planning condition is secured relating to: flood proofing/resilience measures, the layout is as in the drawings with no sleeping accommodation at ground floor level, future occupants sign up to the Environment Agency's flood warning service and the courtyard is constructed with permeable material. This is in line with the recommendations in the submitted flood risk assessment and it is considered reasonable to condition this report to the grant of planning permission. However, it has been determined through consultation with colleagues in flood risk management and conservation that it will not be necessary to incorporate flood gates and this will be noted. The requirement is to have an alternative means of escape from Flood Zone 3 and both entrances are outside of this zone (the south one is just outside). Alterations (including attachments) to listed buildings require justification and in this instance there is inadequate justification to add flood-gates.

ECOLOGY

4.60 Section 11 of the NPPF seeks to conserve and enhance the natural environment. The planning system should minimise impacts on biodiversity. The Development Control Draft Local Plan 2005 Policy NE6 'species protected by law' states that where a proposal may have a significant effect on protected species or habitats, applicants should undertake appropriate assessment and demonstrate appropriate mitigation measures. Planning permission will only be granted for development that would not cause demonstrable harm to animal species protected by law or their habitats. The translocation of species will be a last resort.

4.61 Clementhorpe Maltings has been identified as having potential to accommodate bats. All bat species are protected under the Wildlife and Countryside Act (WCA) 1981 (as amended), the Countryside and Rights of Way Act 2000 and the Habitat Regulations 2010.

4.62 The Bat Scoping Survey reported that a visual survey was carried out and internal conditions were ideal (dry and undisturbed, open with exposed timbers throughout) but no evidence of bats was found. It concluded that there are no species of bat present which generally fly within the roof space (brown long-eared bats and *Myotis* species). It did however identify that there was suitable roofing conditions to support crevice dwelling bat species that do not normally fly in roof voids, such as pipistrelle bats as these would be hibernating at the time of the survey. Emergence surveying is required to make this assessment. The season begins in mid-May. Two surveys are being undertaken late May and early June 2015. Should crevice dwelling species be present, mitigation measures (for example using bitumastic felt, using bat access slates, replacing wooded fascias, and / or by

installing bat boxes) should be considered but these are unlikely to require significant amendment to the development proposals.

4.63 Planning sub-committee will be updated on the emergence bat surveys at the meeting. As bats are a legally protected species and as their presence or otherwise has not been confirmed, the application cannot be recommended for approval but that sub-committee consider all the other issues and refer the application back to officers for final delegated approval subject to only minor modifications to the scheme design should bats be found.

4.64 If the emergence surveys confirm that bats are not present, sub-committee is requested to approve the grant planning permission subject to the completion of the S106 agreement and attached conditions.

SUSTAINABILITY

4.65 The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's overarching planning policies, making a presumption in favour of sustainable development. However, as previously explained, the presumption in favour does not apply as this application concerns a listed building. Sustainability is however a positive benefit to be considered in the planning balance. 2005 Draft Local Plan Policy GP4a 'sustainability' explains that development should be accessible by means other than the car; minimise the use of non-renewable resources and re-use materials already on the development site and make adequate provision for the storage and collection of refuse and recycling.

4.66 Policy DP2: 'Sustainable development' in the Local Plan Publication Draft (2014) summarises the key principles has underpinned discussion throughout this section. The policy states that Development will help get York moving through delivering a fundamental shift in travel by ... managing travel demand and modal choice. Development will help protect the environment through conserving and enhancing York's special character setting, character and heritage by ensuring development is in acceptable locations and of the highest quality standards in design and urban design, reducing flood risk by ensuring that new development is not subject to or does not contribute to flooding. Similarly, Policy DP3: 'Sustainable communities' sets out an overarching approach to development including respect and enhance the historic character of York, deliver high quality design and appropriate density, layout and scale whilst ensuring appropriate building materials are used, create a high quality, locally distinctive place which relates well to the surrounding area and its historic character, and ensuring the highest standards of sustainability are embedded at all stages of the development.

4.67 Policy CC2 'Sustainable design and construction' explains that all new development will be expected to consider the principles of sustainable design and construction and to make carbon savings through reducing energy demand, using

energy and other resources efficiently and by generating low carbon/renewable energy in accordance with the energy hierarchy.

4.68 Sustainable principles are now embedded in planning policy and have therefore been discussed in various sections of this report. In summary, the proposal is considered to be sustainable development as it involves the conversion of a redundant building (brownfield development) bringing it back into active use. The new residents will be living in an accessible location, within a short walk or cycle ride of the city centre and facilities on Bishopthorpe Road.

4.69 Methods of encouraging non-car means of travel have been agreed with the developer and are ensured through appropriate conditions and entering into a legal agreement to secure a legal agreement following site acquisition.

This will involve monies towards establishing a car club bay close to the site on Lower Ebor Street, requiring the developer to fund the process of seeking a traffic order (about £2,000) prior to occupation of any unit, a commitment to provide contributions to the value of £160/dwelling for city car club membership and agreement to provide a 6 month bus pass or cycle vouchers to the value of £160/dwelling for the first occupants. Ramped bike access on the stairs and secure stands within each of the ground floor storage units will encourage travel by bicycle. These can be secured by condition.

4.70 The development is therefore considered compliant with principles of sustainable development.

5.0 CONCLUSION

5.1 The building is a listed building with various constraints including structural issues, the desire to retain key machinery and other features associated with the malting process, lack of height between floors, minimal fenestration amongst others but also opportunities such as the special historic character and the location in an accessible, vibrant neighbourhood. Following a prolonged period of underuse and vacancy, a highly imaginative and good quality residential conversion is proposed. Alternative uses have been previously examined and proved unviable. The proposals will remove dereliction and create a long-term use for the building, whilst also preserving as far as possible, the valued qualities of the building and its character, including the display, preservation and retention in situ where appropriate of rare machinery and other features associated with the malting process.

5.2 The proposal is considered acceptable with regard to all but one of the matters identified, subject to the signing of a legal agreement on transport related impacts. The issue still outstanding at the time of writing was the confirmation or otherwise of crevice dwelling species of bat within the building. An emergence survey is being undertaken and will be reported at committee. Should the presence of bats be confirmed, the recommendation is that provided Members are satisfied in respect of all other issues, delegated authority is given to Officers to approve the application

subject to the legal agreement and conditions, with any modifications required to the proposal to protect the bats. Should the results of the survey show bats are not an issue, then the recommendation is to grant planning permission subject to the following attached conditions and the completion of a legal agreement to ensure the development is acceptable in terms of transport impact by securing the provision of a car club bay, and financial contributions to the value of £160/dwelling for city car club membership and an agreement to provide a 6 month bus pass or cycle vouchers to the value of £160/dwelling for the first occupants.

5.3 Section 66 requires special regard to be had to the preservation of a listed building and any features of special architectural or historic interest which it possesses.

Even where harm is less than substantial, any harm must be given considerable importance and weight. The specific harm to the malthouse through the conversion was identified as being the loss of internal openness, the removal of the timber storage bins, the relocation of the double bucket hoist and the impact of the additional openings on the external and internal appearance of the building and has been assessed as being less than substantial having regard to the mitigation measures proposed. . It is considered that having given this harm considerable importance and weight in the planning balance the positive benefits of the proposal achieving the retention and re-use of the building in a viable use outweighs the harm to the listed building. It is a high quality, imaginative scheme which will secure the long-term life of the building, remove visual blight from the neighbourhood and retain and enhance the industrial character of the building. The proposals are considered to have an acceptable impact on all other matters including flooding issues, introduction of residential use to the site, archaeology, transport and highways and ecology (subject to further surveys) and are in compliance with the policies of the Local Plan and with guidance contained within the National Planning Policy Framework.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to APPROVE the application following the receipt and consideration of an emergence bat survey and subject to:

- i. The satisfactory completion of a Section 106 Obligation to secure £2000 to seek a Traffic Regulation Order to provide a City Car Club Bay, and provision of sustainable transport incentives as set out within this report, and
- ii. any appropriate conditions or amendments required to accommodate bats, and
- iii. 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:-

- Location plan 133-PL-101 (dated 21.01.15) logged 22.01.2015
- Proposed ground floor plan 118-PL-113B (dated 15.01.2015) logged 18.05.2015
- Proposed first floor plan 118-PL-114A (dated 15.01.2015) logged 13.03.2015
- Proposed second floor plan 118-PL-115A (dated 15.01.2015) logged 13.03.2015
- Proposed third floor plan 118-PL-116A (dated 15.01.2015) logged 13.03.2015
- Proposed south elevation 118-PL-117A (dated 15.01.2015) logged 13.03.2015
- Proposed west elevation 118-PL-118 (dated 15.01.2015) logged 22.01.2015
- Proposed east elevation 118-PL-119 (dated 15.01.2015) logged 22.01.2015
- Proposed north elevation 118-PL-120 (dated 15.01.2015) logged 22.01.2015
- Proposed site plan 118-PL-112A (dated 21.01.2015) logged 18.05.2015
- Proposed window schedule (1) 118-PL-124A (dated 15.01.2015) logged 13.03.2015
- Proposed window schedule (2) 118-PL-125A (dated 15.01.2015) logged 13.03.2015
- Proposed door schedule (1) 118-PL-127 (dated 15.01.2015) logged 22.01.2015
- Proposed sectional elevation AA BB 118-PL-121 (dated 15.01.2015) logged 22.01.2015
- Proposed sectional elevation CC 118-PL-122 (dated 15.01.2015) logged 22.01.2015
- Proposed sectional elevation DD 118-PL-123 (dated 15.01.2015) logged 22.01.2015
- Detailed section 118-PL-130 (dated 21.01.2015) logged 22.01.2015

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

3 ARCH2 Watching brief required -

4 Prior to the commencement of the development the building should be recorded in accordance with an Historic England level 2 photographic and drawn record (ref "Understanding Historic Buildings: A guide to good recording practice" English Heritage 2006. The record should be lodged in the local Historic Environment Record. External and internal attachments of historic significance should be identified on plans for retention including the metal stay at the north east corner.

Reason: To retain a record of the special interest of the listed building. This is required prior to the commencement of development in order because of the need to retain a record of the building before development.

5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.

6 The development shall be carried out in accordance with the submitted flood risk assessment (AAH Planning Consultants, dated December 2014, ref: AAH/0211/14FRA) and the following mitigation measures it details:

- i. The flood - proofing / resilience measures detailed in Section 8 of the FRA are incorporated into the development. Note: The floodgates are not required as there are means of exit from the building into Zones outside Flood Zone 3 and there is insufficient justification therefore for the attachments to the listed building. All other measures should be incorporated.
- ii. The layout of the proposed dwellings is to be in accordance with the submitted drawings, with no sleeping accommodation located on the ground floor.
- iii. Future occupants sign up to the Environment Agency flood warning service.
- iv. The proposed courtyard area is to be constructed with permeable material.

These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as agreed in writing, by the local planning authority).

Reason: To reduce the risk of flooding to the proposed development and future occupants. To reduce the impact of flooding to the proposed development and future occupants.

7 Prior to the first occupation of the building obscure glazing shall be installed in the lower panes of the northern bedroom window at first floor of Unit 3.

Reason: To protect the privacy of occupants of No.11 St Bridget Court and to minimise any opportunity for overlooking.

8 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels. This is in relation to the existing dropped curb identified within the redline application site on Lower Darnborough Street (reference: Location plan 133-PL-101 (dated 21.01.15) logged 22.01.2015)

Reason: In the interests of good management of the highway, to ensure existing parking spaces are not lost and for road safety.

9 HWAY18 Cycle parking details to be agreed -

10 HWAY19 Car and cycle parking laid out -

11 A detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The statement shall include at least the following information:

- i. Measures to prevent the egress of mud and other detritus onto the adjacent public highway
- ii. A dilapidation survey jointly undertaken with the local highway authority
- iii. The routing for construction traffic that will be promoted including a scheme for signing the promoted construction traffic routing.
- iv. Where contractors will park
- v. How large vehicles will service the site
- vi. where will materials be stored

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. This is required prior to the commencement of development because of the nature of the impacts that it is seeking to control.

12 Noise 7 Restricted hours of construction

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:

- Minor corrections to submitted drawings
- Amendments to southern elevation in line with Heritage England and Conservation Officer's recommendations to reduce the number of windows
- Agreement to obscured glazing in one bedroom window on the west elevation
- Amendments to the scheme to promote cycle use through ramped access to storage areas, inward opening doors and secure cycle stands in each of these storage areas
- Amendments to plans to relocate the bucket hoist to the northern lobby and retention of the original tiled floor
- Confirmation of the need to enter into a legal agreement to secure a legal agreement to encourage to provide a new car club bay, provide a contribution to membership of the car club for residents and a contribution towards a bus pass or cycle vouchers for residents

2. CONTAMINATED MATERIALS AND CONSTRUCTION

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

i. 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

Not at all on Sundays and Bank Holidays.

ii. 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".

iii. 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.

iv. 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.

v. 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.

vi. There shall be no bonfires on the site.

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