

COMMITTEE REPORT

Date: 18 November 2018 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 17/02657/GRG3
Application at: James House James Street York YO10 3WW
For: Conversion of former office building into 57no. apartments for temporary accommodation by homeless households, associated office / support facilities and external plant room and external works
By: City Of York Council
Application Type: Major Full Application (13 weeks)
Target Date: 8 February 2018
Recommendation: Approve

1.0 PROPOSAL

THE SITE

1.1 James House is a large part two- and part three-storey building located on the east side of James Street. It is in the centre of Layerthorpe, an established commercial/industrial estate. James House is laid out in two long linear wings running parallel but offset, with a two storey bridge link. Car parking is available to the front of the building and also to the rear, with access beneath this bridge.

1.2 The immediate area is characterised by commercial and industrial premises including retail units and supermarkets, offices, car showrooms, mechanics, and builders yards. The 'First Bus' bus depot is located immediately opposite the site on James Street. The two storey building to the north of the site includes the Raylor Centre offices, Reflexions Studio and Katie Ventress School of Dance. To the rear, and bounding the rear car park is ISF Ltd, (metal workers and design and construction), whose access lane runs parallel to the site to the north. To the south is Elvington Floorcraft and Buildbase's builders yard. Local retail and community facilities are a short walk away on Lawrence Street. The town centre and its full range of facilities, including employment opportunities, is 800m to the west (15 minute walk away).

1.3 The building is currently vacant but was last in use as offices. Earlier in 2017, work began on converting the building to residential units under the previous permissions. However, at the time of the site visit, this previous work is currently being 'stripped out' to enable the conversion works proposed in this application to be implemented.

1.4 The site is in flood zone 1 (low risk of flooding) and is not in a conservation area.

PROPOSAL

1.5 The proposal is to convert the building into temporary homeless accommodation to provide 57no. self-contained apartments including 31no. one-bedroom flats, 23no. two-bedroom flats and 3no. three-bedroom flats. Of these, 2no. one-bedroom, 1no. two-bedroom and 1no. three-bedroom apartments are accessible for disabled persons. The rest of the accommodation is mixed across the floors, with some apartments being duplexes with bedrooms above floors or within the converted roof space, overall giving four floors of residential accommodation.

1.6 External alterations are proposed to give the building a more contemporary appearance. The existing draught lobby will be removed and a new entrance with timber columns, glazing and single pitched roof will be provided at the front of the building with a ramped access and a 24 hour manned reception with staff offices, interview rooms and training kitchen behind (totalling 265 sqm. internal floorspace).

1.7 A strip of landscaping to the north of the building will be removed, including 5no. trees, to provide vehicle access to the rear car parking area. 12no. car parking spaces will be provided at the front of the building for residents, two of which will be reserved for the charging of electric vehicles, and two as disabled spaces. At the rear, 17no. car parking spaces will be provided for staff and professional visitors to the residents. A secure cycle store will be provided for the storage of 24no. bicycles at the front of the building with three further cycle stands for visitors.

1.8 The proposal reflects a long-held need by Housing Services to replace the current temporary accommodation at Ordnance Lane, Fishergate, which is no longer fit for purpose. The scheme will also consolidate homeless accommodation currently provided across four sites into a single building with significantly improved quality of accommodation for vulnerable households. Staff will be present on site from 8am to 8pm. Outside of these hours there will be two security personnel.

RELEVANT PLANNING HISTORY

17/00474/ORC permission granted through the prior approval process for the change of use from office to residential development to form 60no. apartments (12.04.2017). Minor Variation of approval noted below.

16/02631/ORC permission was granted through the prior approval process for the change of use from office to residential development to form 60 no. apartments. (22.02.2017)

16/00108/ORC permission was granted through the prior approval process for the change of use from office to residential development to form 58.no apartments (10.03.2016).

7/10/292M/PA planning permission was granted for the erection of a two/three storey office with ancillary parking (07.12.1989).

2.0 POLICY CONTEXT

2.1 Policies:

Draft Local Plan adopted for development control purposes (2005)

CYGP1 Design
CYGP3 Planning against crime
CYNE1 Trees, woodlands, hedgerows
CYNE6 Species protected by law
CYH4A Housing Windfalls
CYH12 Conversion of redundant offices
CYC1 Criteria for community facilities

Pre-Publication Draft Local Plan (2017)

DP2 Sustainable development
DP3 Sustainable communities
EC2 Loss of employment land

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Ecology)

3.1 As two bats, and possibly four, were seen emerging from the building from at least one, if not two roosts, and there are likely to be repairs/replacement works/ conversion of roof space, then it is likely that bats will be impacted by the development. Bats are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 as amended. To compensate for the loss of roosting bat habitat, three bat boxes should be installed on the exterior of the building. The requirement for this and a European Protected Species Licence should be secured through planning conditions.

3.2 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). Notwithstanding the licensing regime, the LPA must also

address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS.

Planning and Environmental Management (Landscape)

3.3 The trees alongside James Street and at the front corners of the existing building, contribute to the setting of James House and the public amenity along James Street within an otherwise rather stark streetscape. The trees along the frontage should be retained and protected comprising silver birch and cherry (T1, T2, T3, G1 and G2) furthermore there is scope to renew the ground level planting. The creation of an access along the northern boundary (with the subsequent tree removal), allows the introduction of a closed courtyard between the two main arms of the building. This will be an important element of the amenity and function of the development. However the bin store in this space should be relocated, or if not possible as a minimum be covered with climbers and have a green roof. Conditions are advised on tree protection during construction, agreeing details of the hard and soft landscaping and design details for the central courtyard.

Public Protection

3.4 Officers have reviewed the proposals with consideration to potential noise, dust, light, odour, land contamination, air quality etc and have no objections to the application. Conditions are recommended relating to the investigation of land contamination, the submission of a remediation scheme, verification of remedial works and the reporting of unexpected contamination if found. Further conditions are advised relating to controlling hours of construction, noise insulation measures and preparation of a noise compliance report, deliveries and waste collections, plant and machinery noise and electric vehicle recharging. Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) shall be produced and agreed with the local planning authority. A standard demolition and construction informative is also advised.

Highway Network Management

3.5 Scheme acceptable subject to the cycle stores being made more secure as the plans showed a gap above the wall and below the roof of a size somebody could climb through.

Flood Risk Management

3.6 Initially, flood risk engineers objected to the proposals which were not in accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency, Yorkshire Water and the York Consortium of Internal Drainage Boards requirements that peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). However, a new drainage plan has been

submitted. The Flood Risk Management Team has no objection in principle to the development but would require a condition that the foul and surface shall be constructed in accordance with the submitted Drainage Strategy Plan reference 17323/105 revision P2 dated 13th December 2017 prepared by Dudleys.

Waste Services

3.7 Officers verbally advised that they have been in correspondence with the applicant regarding waste storage. They confirmed that for this development, for the residential element, 9no. 1100 litre refuse bins, 6no. 1100 litre recycling bins, and 3no. 660 litre recycling bins should be provided. The office waste needs to be arranged with a commercial collector and is on top of the above levels.

EXTERNAL

Yorkshire Water

3.8 No comments as the existing building's drainage systems are still in use.

Designing out crime - North Yorkshire Police

3.9 The officer confirmed that the development lies within an area with relatively moderate crime and disorder levels. However any new development has the potential to increase these levels if the designing out of crime is not considered and implemented. Overall the officer is supportive of the proposals but suggests ways of improving the safety of the scheme. Particularly, comments are made about the allocation of units to prevent conflict between users and children in the play area which is located close to ground floor units. Conditions are advised to agree lighting levels and coverage of car and cycle parking areas. A management plan for the allocation of accommodation to minimise conflict between residents, particularly children using the play area, should be prepared and agreed.

Guildhall Planning Panel

3.10 No comments received at the time of writing of the report.

Neighbours

3.11 One neighbour has commented on the proposals in relation to road safety if there are to be residents and children living on James Street. The road markings should be improved. The location of the bus stop opposite the site means that road users have to over take it on the wrong side of the road with implications for highway safety.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are considered to be:

- Protected species
- Principle of the development
- Design
- Landscape
- Crime and safety
- Noise
- Contamination
- Neighbour amenity
- Highways

4.2 It is worth noting that whilst the proposals comprise residential accommodation the proposals do not fall within either the C3 residential nor C2 residential use classes but are outside of any class of the Use Classes Order. This is because the building would be used for temporary accommodation for a specific group of transient people, each of the units is self-contained, but there is also a level of support for residents available on a daily basis by professional support workers, and visitors are not allowed.

PLANNING AND LEGISLATIVE CONTEXT

4.3 In the absence of a formally adopted local plan, the most up-to date representation of key policy is the National Planning Policy Framework (NPPF) and it is against this Framework that the application should principally be addressed.

4.4 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 are applicable.

The National Planning Policy Framework (March 2012) (NPPF)

4.5 The NPPF sets out the Government's overarching planning policies. Paragraph 14 sets a presumption in favour of sustainable development and states that where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Para 118 of the NPPF states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;”

In this case as the Ecologist is satisfied that the impact on the protected species habitat can be adequately mitigated, the policy is not more restrictive, and the presumption in favour of sustainable development therefore applies.

4.6 Paragraph 17 sets out twelve core planning principles including proactively supporting sustainable economic development to deliver the homes and thriving local places that the country needs. Planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Account should be taken of the different roles and character of different areas, encouraging the effective use of land by reusing land that has been previously developed. Planning should deliver sufficient community facilities to meet local needs and seek to support strategies that will improve health, social and cultural well-being for all. Significant development should be located in sustainable locations.

4.7 Section 6 seeks the delivery of a wide choice of high quality homes. Whilst the proposal for the homeless accommodation is not a C3 residential use, it will provide temporary homes for people. Generally there is a presumption in favour of sustainable residential development. Local planning authorities should plan for the different groups in the community. Normally, they should approve planning applications for change to residential use from commercial (B1 use) buildings where there is an identified need, provided that there are not strong economic reasons why this would be inappropriate.

4.8 Section 7 on design explains that planning decisions should ensure development functions well and adds to the overall quality of the area, establishes a strong sense of place, creating attractive and comfortable places to live. Development should be visually attractive. Design should create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. This is underlined further in section 8 on healthy communities.

City of York Draft Local Plan (incorporating 4th set of changes, April 2005)

4.9 The City of York Draft Local Plan (incorporating 4th set of changes, April 2005) has been adopted for development control purposes. Its policies can carry some limited weight where they accord with the NPPF.

4.10 Policy GP1 'Design' states that development proposals should respect or enhance the local environment and where appropriate incorporate appropriate landscaping where it would influence quality and amenity of the development. Private or communal amenity space should be provided for residential development. Residents living nearby should not be unduly affected by noise, disturbance, or overlooking. Policy GP3 provides guidance on planning against crime including encouraging natural surveillance of the site, providing secure locations for car and cycle parking and satisfactory lighting.

4.11 Policy NE1 'trees, woodlands and hedgerows', requires appropriate replanting to mitigate against the loss of any existing trees. Policy NE6 'Species protected by law' states that planning permission will only be granted for development that would not cause demonstrable harm to animal species protected by law or their habitats.

4.12 Policy H4a 'Housing windfalls' states planning permission will be granted for residential development where the site is within the urban area and is vacant, derelict or underused, has good accessibility, is of any appropriate scale and density and would not have detrimental impact on existing landscape features. Policy H12 on the 'conversion of redundant offices' to residential is not considered applicable in this case as it is superseded by guidance in the NPPF and the provisions of the GPDO under Class O for which the site has already secured permission for the change of use in principle (although it is noted it is limited to C3 residential use, which this scheme is not).

4.13 Policy C1 'community facilities' is applicable in that the provision of temporary housing for homeless people is considered to fulfil a social need. Planning permission should be granted for such facilities provided that the proposed development is of a scale and design appropriate to the character and appearance of the locality and it would meet a recognised need.

Emerging Local Plan

4.14 The Council recently completed consultation on the Pre-Publication Draft Local Plan and updated evidence base to 30th October 2017. It is considered that the draft Local Plan policies carry very little weight in the decision making process at this stage (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications.

4.15 Policy DP2 'Sustainable development' supports the provision of good quality housing to meet the city's current and future needs. Policy DP3 'Sustainable communities' seeks to create a sustainable, balanced community through provision of an appropriate range of housing and to ensure that social and cultural infrastructure requirements of the new community are met through the provision of accessible facilities and services in a planned and phased manner which complements and integrates with existing facilities.

4.16 Policy EC2 'loss of employment land' requires developers to demonstrate that for buildings last in employment use, that they are no longer economically viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site.

4.17 Policy D1 'placemaking' states that 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.

Evidence base

4.18 The up to date evidence considered relevant to this application includes the Biodiversity Action Plan (May 2013) which details the species of bat in York, preferred habitats, behaviour, threats, protection and ways of improving habitats.

CONSIDERATION

Protected species

4.19 The applicants have submitted an ecological appraisal and bat survey. During the dusk emergence bat survey undertaken in August 2017, a minimum of two common pipistrelle bats, and possibly up to a maximum of four, were observed to emerge from a roosting site in a gap between the wall and soffit box on the east elevation of James House, and there was also a suspected roost site in the roof turret. As it is likely repairs/replacement will be made to these areas and the roof space is to be converted into living space, it is probable that bats will be impacted by the development. Bats are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 as amended.

4.20 To compensate for the loss of roosting bat habitat three bat boxes should be installed on the exterior of the building, best positioned at a height of between 3 to 6 metres in an open sunny position. A group of three boxes facing in different directions will provide a variety of micro-habitats. The requirement for this and a European Protected Species Licence should be secured through planning conditions. However the "derogation test" must also be passed and the applicant must secure a licence issued by Natural England authorising the specified activity/development to go ahead or a statement in writing from the relevant licensing body that a license is not required. The license is only required for works to the roof and soffit and other works on site can proceed without the license first being obtained.

4.21 The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 are as follows:

- 1) that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- 2) that there is no satisfactory alternative; and
- 3) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

4.22 In terms of tests 1 and 2, the proposal is for the provision of 57no. residential units for temporary vulnerable homeless people. It will provide good quality, modern, warm and secure accommodation to replace temporary accommodation on Ordnance Lane which is no longer fit for purpose. It will also consolidate homeless accommodation currently provided across four sites into a single building with a range of support facilities on site. Being on site, it will make delivery of homelessness support more efficient and cost effective, giving staff more dedicated time. The building is also in a sustainable accessible location. There are thus clear social benefits from the proposals, alternatives no longer provide satisfactory accommodation and thus these tests are passed.

4.23 With regards to test 3, the building currently supports a small number of roosting common pipistrelle bats (maximum of four in a transitory night roost) which are common and widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence will prevent any direct harm and the provision of three Schwegler bat boxes will maintain roosting opportunities on site. Therefore the third test for maintenance of favourable conservation status is met.

4.24 Overall, in conclusion, providing that the license is secured and that roosting boxes are provided, officers are satisfied that the proposals will not cause harm to a protected species.

Principle of the development

4.25 Draft local plans (DCLP 2005 and Pre-Publication Draft 2017) contain policies which seek to protect employment sites unless they are no longer economically viable. Paragraph 51 of the NPPF which states that normally planning applications should be approved for the change to residential use from commercial (B1 use) buildings where there is an identified need, provided that there are not strong economic reasons why this would be inappropriate.

4.26 The offices have been vacant since at least February 2016, when a site visit was undertaken for the change of use to residential for the prior approval application 16/00108/ORC under Class O of the General Permitted Development Order 2015. Since then, two further applications have been approved for the change of use from offices to 60no. residential units through the prior approval process. As such, in principle, the overall loss of office accommodation has been established for some

time and no objections are raised on these grounds. However it is also noted that 265 sq.m floorspace will still be retained as offices, reception, interview rooms and a training kitchen. Thus whilst overall there is a loss in office accommodation, the site will provide offices for Council staff (up to 11no.) who will be on site from 08.00 to 20.00 seven days per week with two on-site security staff outside those times.

4.27 In terms of whether the site is a suitable location for residential development, again the fall back position is that three separate consents have already been granted for the change of use of James House from office to residential development through the prior approval process. In such applications, only transport and highways impacts of the development, contamination risks on the site, flooding risks on the site and the impacts of noise from commercial premises on the intended occupiers of the development can be considered. Whilst this application is an application for planning permission, where the full impacts of the development can be considered, the principle of residential in this commercial/industrial location has already been approved.

4.28 The site is within the urban area and a short walk/cycle from the city centre. Whilst vulnerable people will be located in a commercial/industrial environment, it is the nature that a building of this size, providing significant accommodation in one place, with a secure and safe environment with on-site support staff is unlikely to become available in a more traditional residential environment in York. The proposals will provide amenity space in the form of a small garden and play area. The building is intended to be used for short-term accommodation for people ranging from a week in length to occasionally over one year. With it being managed accommodation, rather than unmanaged 60no. flats for private rent/lease, there will be greater control over occupation than otherwise permitted. Management and location of occupants within the building to avoid conflict is considered a management issue, outside of planning, a condition requested by the Police Architectural Liaison Officer is not advised in this report. Whilst immediately around the site, the buildings are in commercial/industrial use, there is significant residential (including student) accommodation on Lawrence Street/Hull Road and at the north end of James Street with Layerthorpe.

Design and Landscape

4.29 The proposals comprise the conversion of the building to 57no. self-contained apartments. Each benefits from natural light and ventilation to habitable rooms. In total, 7no. new or enlarged window openings are proposed. All existing windows will be replaced and upgraded. New skylights will be inserted into the roof to provide fresh air and natural light to the bedrooms in the roof space. It is anticipated that these new windows and doors will be dark grey (anthracite grey) to update the buildings appearance. The existing draught lobby is to be replaced with a modern contrasting entrance with tall glazing panels between timber supports and a pitched roof. Ramped entrances will be introduced to provide improved access for less able residents.

4.30 The proposed site plan illustrates other changes within the site. New controlled access gates are proposed beneath the bridge of accommodation between the two wings, across the vehicular access to the north of the building and around the northern perimeter. This will create a safe, secure and controlled environment for these potentially vulnerable residents. However this will also result in the removal of a landscaping strip along the northern boundary comprising grassed areas, shrubbery and 5no. trees (silver birch and rowan). In its place will be a 4m wide, tarmac access road to the rear car park. This strip currently softens the boundary between James House and the Raylor Centre (offices and dance studios) next door. The trees, both in winter but certainly in summer, would also provide a privacy screen between some of the residential units on the north facing elevation of A wing and these neighbouring occupiers, and amenity value for residents of James House. Whilst this is regrettable, unfortunately there isn't space for replanting of trees along this boundary. The floor to ceiling heights at James House are greater than the neighbouring offices on this boundary and thus there is no direct looking across into and between the offices and flats on the same level. As a change of use, it is not possible to increase the separation distance beyond existing, being 9m. The applicant has advised that they have been unable to agree shared access of the existing lane beyond the northern boundary. As such there is no alternative and the benefits are that a secure enclosed site can be created with a dedicated amenity space at the centre (the 'courtyard').

4.31 Those trees of greatest amenity value on the street frontage are to be retained; T1, T2, T3, G1 and G2 (Silver birch and cherry). Their survival during the construction period and beyond can be secured by agreeing tree protection measures through condition. The fence along the northern boundary could be softened by climbing plants and this again can be controlled through the landscape condition. The landscape architect does not object to the removal of the trees proposed but underlines that the enclosed courtyard provides an important amenity space and there are opportunities for planting, including a significant tree. However the substantial bin store imposes upon this space and detracts from it and concerns are also raised about the impact of odours from this store close to residents' windows.

4.32 The applicant has advised in response that the rear bin store cannot be moved to the rear car park, as this staff car park is to be kept secure and access controlled. This is accepted by officers. The architect has sought to soften its impact by proposing a green roof and revised plans have been submitted. Similarly, a green roof has been proposed to the refuse store/cycle store at the front and additional landscaping to soften the impact on the street scene. Revised plans now show the full bin storage requirement, which will be collected by the Council. Staff will take the required bins from the courtyard store to the bin store at the front of the building on a collection day. This is now considered acceptable.

4.33 Overall, the proposals for alterations to the external appearance of the building and the proposed amenity facilities and services are supported and will create a good quality environment for its occupiers, appropriate for its location.

Highways

4.34 A Transport Statement and Travel Plan have been submitted with the application. In summary the reports conclude that the accident data for the last three years has been investigated and has not raised any significant concerns over road safety on the surrounding highway network in the vicinity of the site. The neighbour concerns over conflict between residents and traffic is not considered to be above normal risk. Car parking has been provided in accordance with the principles set out in the City of York Council's car parking guidance. Waste collection has been considered and is considered to be safe and convenient. The site is considered to be well located in terms of its accessibility by all the major non-car modes of transport. Investigations into the traffic generating potential of the site have revealed that the proposed development could generate up to 16 vehicle movements in the morning and evening peak hour, significantly less than that which would otherwise be generated by the permitted land use on the site. The proposals are therefore considered to have a net benefit in terms of the capacity of the adjacent highway network. The applicant has advised that historically, for homeless accommodation, levels of car ownership are extremely low. As such, the provision of 12no. car parking spaces for residents, in this location, for this use, is supported.

4.35 The Travel Plan advises that a staff member should be a point of contact, the 'travel plan coordinator', providing information on accessibility by bus, connections to trains, travel by bike and on foot. They would monitor travel choices, any promotional material and oversee its implementation.

4.36 The application proposes 12no. staff/resident car parking spaces at the front of the property and 17no. staff and professional visitor parking spaces at the rear. The car parking at the rear will be accessed via the new lane running along the northern boundary from James Street with a controlled access gate close to the reception. At the rear, an emergency access from the car park and adjacent metal works will be provided to the lane running parallel alongside the Raylor Centre. Otherwise, the car park at the rear is completely enclosed. The front car parking area will be overlooked by residents, the reception and two security guards will be on site 24 hours a day. In this location, the police architectural liaison officer has advised that whilst crime levels in the area are moderately high, overall they are supportive of the scheme providing a lighting scheme is agreed with the applicant prior to occupation.

4.37 Earlier versions of the cycle storage were not sufficiently secure and enclosed in this location. Revised plans and designs have now been received that show a brick store, with a green 'floating' pitched roof with a metal open mesh between the roof and top of the walls for security and timber lockable doors. Internally, Sheffield stands are set at 1m spacing. This is now considered acceptable in the street scene and attractive for residents to use, providing again details of internal and external lighting are agreed. This can be through submission of details to satisfy a condition.

Contamination and noise

4.38 Environmental Health Officers considered the proposals in relation to noise, dust, light, odour, land contamination and air quality. The property is located in an area which has previously been used for a variety of industrial operations and will include the creation of a garden / children's play area. As this will involve ground disturbance, contaminated land conditions are advised prior to any ground works being undertaken, including an investigation and risk assessment and remediation scheme and verification works if required.

4.39 As the area surrounding the site is predominately industrial / commercial and the building is adjacent to James Street, residents could potentially be impacted upon noise from these sources. A noise report has been submitted with the application which considers prevailing background noise levels and the acoustic properties of the current building. This indicates that background levels of noise are representative of the commercial uses and that traffic is the predominant source in the area. The report concludes that it should be possible to attain recommended internal noise levels for residential property if appropriate mitigation is applied to the design (particularly in relation to the window glazing standard). The methodology and conclusions presented in this report are acceptable. However to protect new residents from unacceptable noise levels it is recommended that noise insulation measures are undertaken in the conversion works and this must be agreed with the local planning authority. Similarly, details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. Again, this can be controlled by condition.

4.40 Overall, therefore there are no objections to the proposals in terms of contamination, noise, air quality etc subject to the attachment of conditions to agree details of the scheme.

5.0 CONCLUSION

5.1 The application is the conversion of the former office building known as James House on James Street into 57no. apartments for temporary accommodation by homeless households, with associated office / support facilities. Amendments are made to update the external appearance of the building with replacement windows, a replacement lobby of contemporary design and ramped access into the building. A new vehicular access will be provided on the northern boundary to a secure staff car park at the rear. A safe and enclosed courtyard will provide new amenity space, including play equipment and landscaped garden for residents use. At the front of the building will be staff/resident car parking and secure cycle parking in a new brick building with green roof. Silver birch and cherry trees are retained on the street frontage.

5.2 Whilst bats, a European Protected Species, have been found in the building subject to the relevant license being obtained, officers advise the 'derogation tests' have been passed, and harm can be adequately mitigated. The proposals are found to be in accordance with the key principles at paragraph 17 of the National Planning Policy Framework (2012) and particularly sections 6 on housing and 7 on design. The proposals are also found to be in accordance with those relevant policies in the draft local plans which are in accordance with the NPPF. These key policies are GP1 Design, GP3 Planning against crime, H4a Housing windfalls and C1 Community facilities in the draft Local Plan adopted for development control purposes 2005 and DP3 Sustainable communities in the Pre-Publication Draft Local Plan 2017. The application is thus recommended for approval subject to the attachment of the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Schedule of accommodation NPS-SH-A-(00)001, received 20.12.2017

Proposed Site Plan, NPS-DR-A-(00)070 revision P4.2, received 19.12.2017

Proposed Ground Floor Layout, NPS-DR-A-(00)071 revision P4.2, received 19.12.2017

Proposed First Floor Layout, NPS-DR-A-(00)072 revision P4.1, received 13.12.2017

Proposed Second Floor Layout, NPS-DR-A-(00)073 revision P4.1, received 13.12.2017

Proposed Second Mezzanine Floor Layout, NPS-DR-A-(00)074 revision P4.1, received 13.12.2017

Proposed Roof Layout, NPS-DR-A-(00)075 revision P4.2, received 20.12.2017

Proposed Elevations Sheet 1 of 3, NPS-DR-A-(00)076 revision P4.1, received 13.12.2017

Proposed Elevations Sheet 2 of 3, NPS-DR-A-(00)077 revision P4.1, received 13.12.2017

Proposed Elevations Sheet 3 of 3, NPS-DR-A-(00)078 revision P4.2, received 19.12.2017

Proposed Section, NPS-DR-A-(00)079 revision P4.1, received 13.12.2017

External Buildings Energy Centre NPS-DR-A-(00)080 revision P4.0, received 13.12.2017

External Buildings Bin Store within Courtyard, NPS-DR-A-(00)081 revision P4.1, received 19.12.2017

External Buildings Bin and Bike Store to Front of Building, NPS-DR-A-(00)082, revision P4.1, received 19.12.2017

Dudleys Drainage Strategy Plan 17323/105 Revision P2 received 13.12.2017

Quants Environmental Aboricultural Survey (August 2017)
SCP Travel Plan (November 2017)

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

3 The following works; repair to or replacement/amendment of the soffit boxes and/or the roof turret of James House as identified in Figure 2 of the Ecological Appraisal and Bat Surveys report by QUANTS Environmental Ltd dated September 2017, shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To prevent harm to a protected species.

4 Prior to first occupation or use of the development hereby approved three woodcrete bat boxes (e.g. 2F Schwegler) must be installed on James House under the direction of a suitably qualified ecologist. The location of these boxes shall be agreed in writing with the local planning authority prior to installation.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact on nature conservation in line with the NPPF.

5 Prior to any ground works commencing, 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 is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,

- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

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

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

6 Prior to any ground works commencing, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority should the investigation and risk assessment identify any contamination. 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.

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

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

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

subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

9 All construction and demolition works and ancillary operations, 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 13.00
Not at all on Sundays and Bank Holidays.	

Reason: To protect the amenity of the locality

10 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works, no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason - To protect the amenity of the new residents from noise

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

11 Should new, or existing plant and machinery be moved (this includes boilers, air conditioning, kitchen extracts, lift equipment etc) then details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby commercial properties and the new residents from noise

INFORMATIVE: The combined rating level of any building service noise associated with plant or equipment at the site should not be the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

12 Two electric vehicle recharge points, serving two dedicated car parking bays, should be installed prior to first occupation of the new residential facility. The bays should be marked out for the exclusive use of electric vehicles. The location and specification of the recharge points shall be agreed in writing with the Local Planning Authority prior to installation. Also, to prepare for increased demand for charging points in future years, appropriate cable provision should be included in scheme design and development in agreement with the Local Planning Authority. Prior to first occupation of the building the applicant will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Plan that will detail the maintenance, servicing, access and bay management arrangements for the electric vehicle recharging points for a period of 10 years.

Reason: To promote and facilitate the use of low emission vehicles at the site in line with the NPPF, City of York Council's adopted Air Quality Action Plan (AQAP3) and the Low Emission Strategy (LES)

Note: The electrical circuit/installation shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation (2015).

13 Prior to first occupation or use of the development hereby approved, a detailed external lighting scheme covering the front and rear car parks and cycle storage areas shall be submitted for approval in writing by the local planning authority and the approved scheme shall be implemented prior to first use or occupation of the development and thereafter maintained in accordance with these approved details.

Reason: To provide greater security for people and property at the site.

Note: Both car parks should be illuminated to BS5489. The cycle stores should have all external doors, illuminated with vandal resistant security lighting, operated by a photocell sensor with manual override switch and fitted at a height that makes them not easily accessible.

14 Before the commencement of development, an Arboricultural Method

Application Reference Number: 17/02657/GRG3

Item No: 4b

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 and locations of protective fencing to be shown on a plan; ground protection; site rules and prohibitions; type of construction machinery/vehicles to be used; means of access to the building facade where required; locations for stored materials, locations and means of installing utilities, and the location of the site compound.

The protective fencing line shall be adhered to at all times during development operations to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches or services or drains. The fencing shall remain secured in position throughout the development process. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing. The approved Arboricultural Method Statement shall be complied with. A copy of the document will be available for inspection on site at all times.

Reason: To ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the area and development.

15 Prior to first occupation of the building, a detailed landscape scheme shall be submitted and approved in writing by the Local Planning Authority. It shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants. It will also include details of ground preparation. This scheme shall be implemented within a period of six months of this first occupation of the development. 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. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

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

16 Prior to first occupation of the building, a detailed scheme for the central courtyard shall be prepared and submitted for approval by the Local Planning Authority. It shall include surface treatments, level changes, play equipment and street furniture. Thereafter, it shall be fully implemented in accordance with these approved details and within a period of six months from the first occupation of the development.

Reasons: So that the Local Planning Authority may be satisfied with the aesthetic and
Application Reference Number: 17/02657/GRG3 Item No: 4b

functional quality of the courtyard, which is an important amenity element of the development.

17 Prior to first occupation, the foul and surface drainage shall have been constructed in accordance with the submitted Drainage Strategy Plan reference 17323/105 revision P2 dated 13th December 2017 by Dudleys.

Reason: To ensure proper drainage of the site in accordance with the requirement that peak run-off from brownfield developments must be attenuated to 70% of the existing rate.

18 Prior to first occupation, details of all boundary treatments, new access gates, and fenced enclosures shall be submitted for approval in writing by the local planning authority, in consultation with the Police Architectural Liaison Officer. Thereafter, they shall be implemented fully in accordance with these approved details.

Reason: For visual amenity and ensure an appropriate level of security within the site.

19 The infill brickwork and brickwork for the ancillary buildings (Energy centre, bin and cycle stores) shall match the existing brickwork in all respects i.e., bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority.

Unless otherwise agreed in writing with the local planning authority, the new windows shall be anthracite grey (or similar dark grey) in colour and be formed in the same pattern of glazing, with casement side hung windows, as shown on the approved plans. As shown on the approved plans, the cycle and bin stores will have green roofs.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

7.0 INFORMATIVES:

Notes to Applicant

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

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

Sought amendments to the cycle stores to ensure they were secure, enclosed and undercover.

2. INFORMATIVE: DEMOLITION AND CONSTRUCTION

Application Reference Number: 17/02657/GRG3

Item No: 4b

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) 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".
- (b) 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.
- (c) 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.
- (d) 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.
- (e) There shall be no bonfires on the site.

3. PROTECTED SPECIES

The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). For development activities this licence is normally obtained after planning permission has been obtained. The three tests are that:

- 1) that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- 2) that there is no satisfactory alternative; and
- 3) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

Information should be supplied in support of these tests when seeking the license from Natural England.

Contact details:

Application Reference Number: 17/02657/GRG3

Item No: 4b

Author: Sophie Prendergast Development Management Officer
Tel No: 555138