

COMMITTEE REPORT

Date: 07 April 2016 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 15/02833/FULM
Application at: Groves Chapel Union Terrace York YO31 7WS
For: Change of use of existing building with internal and external alterations to form convenience store at ground floor, 2no. flats at first floor and erection of four storey extension to rear to accommodate 14no. flats with associated car and cycle parking
By: Clarence Union Developments
Application Type: Major Full Application (13 weeks)
Target Date: 15 March 2016
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

SITE

1.1 The application site is Groves Chapel and the associated car park to the rear. The building dates from around 1883 and is grade 11 listed. It is located in the Central Historic Conservation Area. The front and northern elevation of the building are prominent when viewed from the nearby main roads that meet at the front of the building.

1.2 Immediately to the north is the York Hospital campus. To the rear of the application site is open land that is used for car parking. To the south is Union Terrace. This is a predominantly residential street, though some office uses exist at the northern end.

1.3 The building is owned by the NHS. The former school room building and later additions attached to the rear of the chapel are used as their offices. The ground floor of the chapel is partly used for the storage of large pieces of equipment from the hospital. The upper floor of the chapel is unused. The building is in poor repair.

PLANNING HISTORY

1.4 In 1992 Listed Building Consent was granted for internal alterations to the building. There are no other recent planning records for the building.

PROPOSED SCHEME

1.5 It is proposed to convert the ground floor of the chapel to a 250sqm retail store. The proposed occupier is Sainsbury's. The ground and first floor of the school room attached to the rear is proposed as staff rooms/offices and storage space for the retail store. The retail store would have no off-street car parking. Lorries would unload at the side entrance of the building. The customer entrance is proposed at the front of the building off Clarence Street.

1.6 On the car park immediately to the rear of the building a four storey brick built attached apartment building is proposed. This would provide 14 two bedroom flats. Two additional flats are also proposed in the second floor of the former school room building.

1.7 13 car parking spaces for the flats are proposed in the ground floor of the extension building. The current car park is accessed from the rear; however, it is proposed to open up a new vehicular entrance from Union Terrace.

1.8 The applicant's undertook a public consultation exercise. A statement of community involvement detailing the consultation has been submitted with the application.

1.9 The application was on the agenda to be considered at the 10 March 2016 Area Planning Sub-Committee but was deferred to the 7 April 2016 meeting so that the application could be considered alongside the Listed Building Consent application relating to the proposed changes (15/02834/LBC).

1.10 This report is unchanged with the exception of section 3.0 which relates to consultation comments received. Formal comments received following the completion of the report for the March committee have been integrated in to this section of the report.

2.0 POLICY CONTEXT

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

- Section 2 Ensuring the vitality of town centres.
- Section 6 Delivering a wide choice of high quality homes.
- Section 8 Promoting health communities.

- Section 12 Conserving and enhancing the historic environment.

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

2.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes approved for Development Management purposes in April 2005

2.3 Whilst the 2005 York Draft Local Plan does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. The relevant draft policies applicable to this application include:

CYGP4B: Air Quality

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

CYE3B: Existing and Proposed Employment Sites

CYHE3: Conservation Areas

CYHE6: Shopfronts in historic locations

CYT4: Cycle parking standards

CYH2A: Affordable Housing

2.3 Draft York Local Plan (2014) Publication Draft

At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (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 the planning application. Relevant draft policies include:

SD1 Sustainable Development

H1 Scale of Housing Growth

ACHM1 Balancing the Housing Market

DH1 Design & Historic Development

DHE2 Heritage Assets

DHE5	Streets & Spaces
DHE6	Conservation Areas
DHE7	Listed Buildings
DH9	Affordable Housing
ENV4	Flood Risk
EC3	Loss of Employment land.

3.0 CONSULTATIONS

INTERNAL

Planning and Environment Management

Conservation Architect

3.1 No objections. The chapel building is under-occupied and it will shortly become vacant and therefore be "at risk". It is in a poor state of repair and the interior has suffered from ad-hoc alterations and removal of fixtures. This particular building type is limited in its scope for conversion or reuse, and there are few options likely to generate sufficient finance for repair and continued upkeep in its current form.

3.2 The mixed retail and residential scheme proposed includes a linked extension forming a block of apartments. The combined scheme would sustain the significance of the building and its wider site within the conservation area, and put it to viable use consistent with its conservation. By reintroducing the entrance in its natural position under the portico facing the street, in a repaired and redecorated frontage, there would be a huge improvement to the building's appearance within the conservation area.

3.3 The location and design of the new block places it firmly within the hospital grounds which are characterized by larger buildings in a more open landscape settings. This location protects the scale of houses in Union Terrace, and respects the separate identity and principal views of the chapel buildings from within the conservation area and from other public locations. The scheme would not harm the character and appearance of the conservation area.

City Archaeologist

3.4 No objections subject to the inclusion of a watching brief condition.

Countryside and ecology officer

3.5 No objections. A bat survey has been submitted which indicated that the chapel has a high potential to support roosting bats. Three activity surveys did not record any emerging bats. No objections to the proposals subject to a condition controlling the method of works to ensure that any bats are protected and their habitat/potential habitat safeguarded.

Public Protection

3.6 No objections. Satisfied that noise insulation within the proposed residential accommodation will create a satisfactory living environment close to the busy road. Do not consider that the introduction of a retail store and associated noise from traffic, deliveries, customers and plant will cause undue harm to existing neighbour amenities. In respect to air quality, as Union Terrace is set back from Clarence Street and traffic generation is relatively low there are no concerns.

3.7 Conditions are suggested regarding the following matters:

- Insulation of proposed flats.
- Delivery hours of lorries.
- Details of plant and machinery.
- Construction times and methods.
- Contamination.

Highway Network Management

3.8 No objections. Consideration is given to vehicle manoeuvring (including lorries), car parking, sustainability, the safety of pedestrians and road users and trip generation.

3.9 The development proposals have been supported by a Transport Statement. Despite the concerns raised by local residents and objectors, officers are satisfied that the document takes a reasonable approach and is sufficiently robust.

3.10 The development proposals are located sustainably and prioritise access to the proposed store in accordance with the authority's hierarchy of road users. The scale of improvement/mitigation works as proposed are reasonable, necessary and proportionate to the scale and impact of development. The impact of development proposals cannot be considered nor demonstrated to be classed as severe.

3.11 The chapel and apartments will be excluded from the local residents parking scheme.

3.12 A number of conditions are recommended including the modification of the kerb line and provision of the turning area.

Flood Risk Management Team

3.13 No objections.

Forward Planning Team

3.14 No objections. Do not have a policy objection and are satisfied with the retail impact/sequential test information submitted.

Economic Development Unit

3.15 No objections. Do not consider the loss of the office accommodation would be harmful to the overall supply and quality of office accommodation available in the city.

EXTERNAL

Yorkshire Water

3.16 No objections subject to development in compliance with revised drainage plan.

Police Architectural Liaison Officer

3.17 No objections in respect to crime including anti-social behaviour and security.

Conservation Areas Advisory Panel

3.18 Support the scheme. The constraints relating to the work which would be acceptable to the Chapel itself were explained resulting in the decision to locate the small supermarket at ground floor level beneath a reversible protecting structure at balcony level. This structure would allow maintenance access to the upper areas within the chapel.

3.19 The proposal also included the retention of the former schoolroom (with the demolition of a later, possibly 1950s, addition) and the provision of a new residential block.

3.20 The Panel welcomed the scheme in general and the work to the Chapel itself in particular and looked forward to the building being restored.

Neighbour Notification and Publicity

3.21 Neighbours were initially consulted on 24 December 2015. A site notice was erected on 15 January 2016. Following revisions to the proposed turning area associated with the development objectors and immediate neighbours were re-consulted. The deadline for comments associated with the re-consultation is 8 March 2016. Any comments received subsequent to writing this report will be outlined at Committee.

3.22 At the time of writing this report objections had been received from 33 residents covering the following matters:

General

- The proposals are contrary to national and local planning policy relating to sustainability, transport, the historic environment and community. People have not been properly engaged by the developers. Objections were put forward to the developers at the pre-application stage and people as a whole were not broadly supportive.
- It is the proposed S106 payment that makes the scheme acceptable.

Traffic

- The applicant estimates 1,300 cars transporting shoppers each week. This will lead to illegal parking and congestion. There is already limited residents' parking. The traffic implications have not been fully considered by the Council's highways officers.
- The road is too narrow to cope with the increased traffic related to the flats and shop. The blind bend is dangerous and for much of the route the road is only single width due to on street car parking.
- It will be impossible for large lorries to navigate the 'blind corner' on Union Terrace. The site is a bottle neck and the works could lead to traffic problems leading to ambulances being delayed on Clarence Street. Vehicles coming from the south will have to do a three point turn to exit back on to Clarence Street. Car drivers will be more likely to exit illegally through the northern access. Lorries and cars cannot pass on the road. If cars park in the delivery area and a delivery lorry arrives it will block the street. Emergency vehicle access to Union Terrace could be blocked.
- Large lorries can not access from the north and as such drive up the road from the south and reverse back down Union Terrace when leaving.
- Lorries delivering beer to the conservative club and working men's club block the road, causing tensions. There are also existing commercial bin collections.

- Vehicles parking on kerbs in Union Terrace block other vehicles (Photographs have been sent in illustrating vehicles parking on double yellow lines and the footpath).
- The changes reduce parking spaces available for local residents.
- Concerned that cars will cause obstructions through temporary parking on Clarence Street. Lorries have to go into the outer lane in Clarence Street to access Union Terrace. This will cause obstruction.
- The nature of the street is such that only a small increase in vehicle numbers will create problems. The consultant's calculations may not be accurate. Absurd to have no dedicated customer parking. The shop does not meet the council's own parking standards
- A survey of customer travel modes was undertaken by a resident at the Beckfield Lane Sainsbury's store. In a half hour period 50% of customers came by car. Consider the consultants predicted mix of car and pedestrian users at Union Terrace is not robust and may understate customers coming by car.
- The data from the stores in Cardiff and Sheffield used to predict visitor numbers is of limited value as they relate to stores that differ in size from that proposed in the Chapel.
- The proposed flats have inadequate parking provision.
- The junction between the road access to Bootham Hospital and Union Terrace at the south of the street is dangerous as drivers are unaware of who has priority.
- Difficult for elderly pedestrians and children to cross Clarence Street. It is a very dangerous crossroads.
- Will occupants of the new flats be eligible for residents parking permits?
- The 10 minute parking allowance for visitors should be reviewed if the scheme goes ahead.
- There is evidence of many people visiting similar supermarkets by car and parking illegally including on pavements and double yellow lines.
- The consultant's auto track diagrams should be verified for accuracy and the width of delivery vehicles clarified.
- Has a traffic survey been undertaken covering 2 weeks?
- Disagree with the statement in section 3.9 of the report for the 10 March Planning Sub-Committee that the increase in customers arriving by car will not be perceptible.

Crime

- Parked cars will be a target for theft and the shop may become a 'hang out'.
- Concerns regarding the proximity to the homeless hostel.
- Should have more street lighting to the side

Noise

- The consultants noise report states noise levels from unloading will be between 90-97dB (A). Consider this is unacceptable and can damage hearing/lead to hearing loss. It is wrong to argue that because existing noise levels are high that additional noise, including from deliveries is acceptable. Concerns regarding noise from plant. No assessment of impact of vehicles idling or beeping horns. Also noise from anti-social behaviour from customers including from the nearby homeless centre have not been considered.
- The proposed 07.00 to 23.00 delivery time is too wide and will harm amenity, including occupants of nearby bedrooms. Deliveries should be restricted to between 10.00 to 16.00. Delivery restrictions equivalent to those in the city centre should apply.
- Has a delivery noise survey been undertaken?

Character

- The scheme will change the quiet character of the street into something resembling a car park.
- The scheme does not adequately conserve the chapel. A heritage asset will be lost. Access to the gallery and views of the ceiling will no longer be available.
- The tall development is overbearing, out of character and will diminish natural light. It should not be higher than the houses on Union Terrace.
- The proposals do not relate well to the style and design of the adjacent double fronted property on Union Terrace.
- Concerns regarding litter.
- The Conservation Area's Advisory Panel's comments in section 3.20 of the report for the 10 March Planning Sub-Committee are just opinion and designed to influence Committee.

Drainage

- The report makes no reference to recent flooding of properties on Union Terrace. There is the potential that the 2013 constructed Yorkshire Water tank built in the terrace could fail leading to sewer flooding in properties. The street has inadequate drainage infrastructure and the development could lead to increased flood risk to properties.

Retail impact

- The development will undermine local specialist shops and reduce diversity in shops and services. Decline in provision of local produce. It is already a tough economic climate for small businesses.

The retail jobs to be created will not be well paid and the proposal will lead to the loss of some jobs. Disagree with section 4.45 of the report for the 10 March Planning Sub-Committee as the proposal may affect delicatessens and specialist shops in Gillygate.

- There are already 4 off-licences in the Groves area. If the scheme is approved there is not enough trade to support them all.

Air pollution

- Increase in air pollution through lorry deliveries between 6 am and midnight. The tall new development will make it harder to disperse pollutants. Idling lorries create pollutants and this is a particular concern as bedroom windows are located to the front of homes.
- There are high levels of pollutants around the inner ring road and adjacent streets such as Clarence Street and Haxby Road. The additional 50 large diesel vehicles will increase pollution levels.
- Has an air pollution forecast been undertaken? The issues raised in section 3.6 of the report for the 10 March Planning Sub-Committee are not supported by facts.

Damage to buildings

- The foundations of the Georgian houses are shallow and believe heavy vehicles will cause structural damage (information from qualified engineer submitted in support).

Use

- The building should be a place of worship and community centre and include for example youth groups, musical events, an advice centre and crèche. Consider such a use is viable. Time should be made available for the local community to explore funding routes. The NHS may have to accept the highest bid, but it does not mean it is good for the community – this should not be the sole consideration. Suggest it should be made available for the Hope Centre to restore and utilise. There is a demand for additional community space in the area.

Home value

- If homes are devalued will owners be compensated?

Rachael Maskell MP

The Groves chapel is a beautiful building and everyone wants to see it brought back into use.

A solution should be found between the developers, hospital and church which is economically viable and has community/health benefits. Feedback has been received from a number of people. One resident welcomed the proposal by Sainsbury's, but a number of concerns have been raised. These relate to increases in traffic on Union Terrace, street safety, parking, noise (including harm to sleep), pedestrian safety, harm from vehicle emissions, damage to homes from vibrations, the sale of alcohol, impact on existing retail businesses and the loss of access to residents' parking.

4.0 APPRAISAL

4.1 The main issues to consider are:

- Impact on the character and appearance of the conservation area and setting of the listed building.
- Highways Issues.
- Noise, disturbance and pollution.
- Retail and employment policy
- Impact on light, privacy and outlook of neighbours
- Quality of the accommodation
- Alternative uses
- Drainage
- Crime
- Impact on foundations
- Planning obligations and affordable housing

OVERARCHING PLANNING POLICY

National Planning Policy Framework (NPPF)

4.2 The core planning principles at Paragraph 17 include the expectation that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, promoting the vitality of our main urban areas, conserve heritage assets 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;

4.3 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND SETTING OF THE LISTED BUILDING

4.4 The site is within the Central Historic Core Conservation Area the Chapel is grade 11 listed.

Legislative and policy context

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

4.5 Section 66 of this Act 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.

4.6 Case law has made clear that when deciding whether harm to a listed building or its setting is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to the 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.

4.7 Section 72 of this Act requires the Local Planning Authority when determining planning applications for development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law has made clear that when deciding whether harm to a Conservation Area is 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 preserving the Conservation Area.

4.8 The statutory duty under Sections 66 and 72 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 or the Conservation Area is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

4.9 The legislative requirements of Sections 66 and 72 are in addition to the government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings and Conservation Areas as "designated heritage assets". The NPPF's advice on heritage assets includes the following:

- Paragraph 132 advises that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be" ... "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."
- Paragraph 133 advises that "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply
- Paragraph 134 advises that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use."

4.10 The chapel dates from 1883 it marks the interface between a mixed residential area with some good quality mid C19th terraced housing in Union Terrace (not listed but identified as buildings of merit) and the C18th & C20th hospital sites.

4.11 The building is prominently located at the junction of 3 main roads. The centralized Italianate composition of the building provides townscape interest in the form of a large scale visual landmark of aesthetic value. The rear of the building was extended in the late 19th century and mid twentieth century. Although the building has a degree of grandeur the building looks tired and rundown

4.12 The application involves the demolition of the twentieth century rear extension. This extension detracts from the original building and the change is considered positive. The retail store is proposed in the ground floor of the main building. The gallery level of the main worship hall would be mothballed following the repair of the roof, rainwater goods and internal plasterwork to prevent further deterioration. Mothballing a building is a last resort but it allows it to be inspected, viewed and finally opened up in future if the opportunity should arise. It is not considered that the mothballing has a significant impact on the external appearance of the building.

4.13 The external alterations to the chapel itself are considered sensitive.

With the exception of the introduction of the new entrance doors and a ramp to the portico the changes are minor and largely involve restoration of the exterior. It is noted that whatever use were proposed to the chapel a ramp would generally need to be created to provide adequate access for the public/users.

4.14 The four storey residential extension proposed on the car park to the rear would 'book end' the chapel building. The development is considered necessary to sustain the significance of the chapel given its poor condition. Although the extension is a similar height to the chapel it is considered that its slight visual separation at roof height and recessing of the upper floor is such that it would not undermine the chapel's open front setting or detract from key views of the chapel from the conservation area and beyond. The linking element would be lower and mostly glazed to emphasis the separateness.

4.15 The massing of the extension is broken into 4 sections by the step in the plan. The upper floor is also recessed. The scale and form of the windows partly echo the windows of the chapel. The elevations are intended to be predominantly brickwork which is considered appropriate within the context of local building materials. The car parking is sensitively housed largely within the ground floor of the building.

4.16 The extension is close to 98 Union Terrace which is an attractive dual aspect former house. The long views of this building from the north will be closed off, however, the scheme does have the benefit in that views from the northern section of Union Terrace would be opened up. The attractive gate and brick surround between the new vehicular access and 98 is proposed to be retained.

4.17 Signage details would be subject to an advertisement consent application.

4.18 Subject to suitable conditions regarding details and materials it is considered that the works to the exterior of the chapel, the rear extension and associated landscaping will enhance the setting of the listed building and the character and appearance of the conservation area.

HIGHWAY ISSUES

4.19 The National Planning Policy Framework advises that developments should:

- provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.20 The NPPF states that, if setting local parking standards, planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

4.21 Union Terrace is a narrow street. It is two-way, though access for motorised vehicles is prohibited from the northern access heading to Clarence Street. Vehicles travelling south along Clarence Street can only access Union Terrace from the southern entrance. Vehicles travelling north along Clarence Street can access Union Terrace from the north or south.

4.22 A number of residents living in Union Terrace or close to Union Terrace have objected to the scheme on highway grounds. Concerns relate to safety, parking provision, inconvenience and pollution.

4.23 Union Terrace is clearly a narrow road and unsuitable for large flows of traffic. In addition, it must be ensured that delivery lorries serving the proposed retail development can safely access the site without causing unacceptable highway safety concerns or undue harm in terms of the convenience of other road users. Objectors have submitted evidence to show that the road can be easily blocked by large lorries and 'illegal' parking.

4.24 The applicants propose 13 ground floor off-street parking spaces for the 16 two-bedroom flats. Secure covered parking for a minimum of 16 cycles is also proposed. It is considered given the nature of the accommodation and its accessible location that this level of parking provision for the residential development is acceptable. If the scheme is approved occupants of the flats will not be eligible for resident parking permits.

4.25 It is considered that the key highway considerations relate to the proposed retail store. No off-street parking spaces are proposed for the shop's customers or staff. 4 on street car parking spaces are shown to the south of the store which will be available for 10 minute parking or resident permit users. Other short term visitor parking is available elsewhere in Union Terrace.

4.26 A 9.8m designated on street loading bay is proposed to the west of the 4 car parking spaces.

4.27 As part of the scheme, modifications are proposed to the street adjacent to the store including a new turning head at the north-west of Union Terrace.

4.28 The applicants have argued that the location of the store is such that it would not prove attractive to car using visitors. This is because there is no practical on-street parking to the front of the building and Union Terrace has restricted access and parking arrangements. Their consultant's have submitted predicted vehicle trip generation rates for the store based upon the nationally recognised TRICS database. This database is based upon national surveys of the same land uses. Whilst the database is a good starting point variables such as catchment areas, local environment, specific end occupier and so forth can lead to variations in what level of trip generation the proposed use could generate.

4.29 Given the location and local environment of the proposed store the council's highway network management officers considered that the TRICS output based on comparative stores in Sheffield and Cardiff is overly robust and should be considered to represent a worst case scenario. During the peak periods the TRICS data indicates that the proposed development is expected to generate in the region of 15 vehicle movements which is in the region of 1 vehicle every 4 minutes. The average across the 17 hour opening time would be around 12 vehicle visits an hour. Highway Network Management officers consider that this level of traffic is negligible and is within what could be considered as normal variations in day to day traffic levels/patterns.

4.30 In the light of neighbour's concerns regarding the robustness of the consultant's predictions in respect to the number of car users visiting the premises the case officer undertook 3 one-hour traffic surveys at the Sainsbury store on Blossom Street. This was seen as a location which would be likely to have a similar number and split of pedestrian and car users to the application site as it is on a main route out of the city, no parking is to the front and limited on street parking is to the side.

4.31 The results were as follows:

- Friday 29 January 5.00-6.00pm (weather: dry). 7 cars parked and the occupant(s) entered the store. In addition 3 cars (including one taxi) parked and the occupants did not enter the store but used the externally located cash machine. During this period around 160-170 customers entered the store on foot.
- Friday 5 February 3.00-4.00 pm (weather: dry). 4 cars (this includes one taxi) parked and the occupant(s) entered the store. In addition 3 cars parked and the occupants did not enter the store but used the externally located cash machine. During this period around 110-120 customers entered the store on foot.

- Monday 8 February 1.00-2.00 pm (weather: drizzle/dry). 6 cars parked (this includes two taxis) and the occupant(s) entered the store. In addition 1 car parked and the occupant did not enter the store but used the externally located cash machine. During this period around 100-110 customers entered the store on foot.

4.32 Looking at the number of car users visiting Blossom Street it would appear that the consultants TRICS based predicted car visitor numbers per hour (11-12) for the application site is not unrealistic. Although a cash machine is proposed at the application site it is inside the store and as such likely to attract fewer people than is the case at Blossom Street. It is considered based on the TRICS calculations and the survey at the Blossom Street store that the level of car born users would not be such to create highway concerns even taking account of the constrained nature of Union Terrace.

4.33 A further concern raised by many residents relates to the impact of delivery lorries.

4.34 The applicant's transport statement states that there will typically be 7 deliveries a day including two 8.14m depot vehicles. The loading area is adjacent to a very tight bend in the road with poor inter-visibility because the building on the inside corner is close to the highway. The applicant has sought to show that large vehicles can access, unload, and exit Union Terrace without causing unacceptable harm to the free flow of traffic.

4.35 On 5 February they submitted revisions showing an enlarged area suitable for vehicles to turn at the entrance to the flats. This submission and further plans showed tracking movements for various sized vehicles to turn within the area and also pass a parked lorry. The details indicate that cars can pass an 8.14m lorry that is unloading. The plans also indicate that an 8.14m lorry coming from the northern entrance can pass a parked delivery lorry of the same size through using the proposed turning area for manoeuvring.

4.36 It is considered that the delivery arrangements will not cause unacceptable harm in terms of traffic safety or the convenience of road users. It is considered that the scheme also has some highway safety benefits. Most significantly it will allow large vehicles that enter from the south to turn and exit in a forward gear. At the current time it is understood that many larger vehicles coming from the south have to reverse back out again. It would appear that the vast majority of residents enter Union Terrace from the south and do not as such pass by the northern section of Union Terrace. This will in part limit the impact of any vehicle manoeuvring outside the shop on their convenience as resident car users.

NOISE, DISTURBANCE AND POLLUTION

4.37 The NPPF puts great emphasis on maintaining and creating liveable environments. Policy GP1 (i) of the Draft Local Plan requires residents to be protected from undue noise and disturbance. Policy GP4b gives advice on air quality.

4.38 The junction of Haxby Road and Clarence Street has very high background noise levels as a result of the considerable traffic movement. Noise levels in the east-west northern stretch of Union Terrace are also high; however, these drop considerably when turning the corner into the rest of Union Terrace.

4.39 It is unlikely that pedestrian movement will generate unacceptable noise levels. Vehicles manoeuvring close to the store also should not cause harm given the local 'noise' environment. It is not considered that the level of car and lorry movement associated with the store or new flats would create undue harm to living conditions on Union Terrace.

4.40 The key consideration in respect to noise is the impact of deliveries. The applicants have employed consultants to undertake noise readings and assess the additional impact of the deliveries. Public Protection are satisfied that providing deliveries and collections are restricted to between 07:00 - 23:00 Monday to Saturday and 08:00 to 16:00 Sundays and Bank Holidays the use will not cause unacceptable harm to existing residents. They also consider the use can satisfactorily co-exist with the proposed flats subject to suitable sound insulation.

4.41 The impact of plant and machinery associated with the proposed store can be controlled by condition.

4.42 Officers are satisfied that occupants of the flats will not be exposed to unacceptable pollution levels and the introduction of the retail store does not cause concern in terms of the impact on localised pollution levels associated with vehicle movement.

RETAIL AND EMPLOYMENT POLICY

4.43 Paragraph 23 indicates that needs for retail, leisure, office and other main town centre uses should be met in full and should not be compromised by limited site availability.

4.44 Local planning authorities at paragraph 24 are directed to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites

be considered. Paragraph 26 states that when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

4.45 The applicants have submitted a detailed retail statement setting out the policy basis for the proposals. The store would be sustainably located in that it is designed to attract custom from the high number of passing pedestrians and also local residents and local workforce. The City Council's policy officers are satisfied that the submitted retail impact and sequential test information is in accordance with relevant local and national advice regarding the siting of such uses. The NPPF advice takes precedence over the City Council's Retail Study Update (2014). In policy terms any negative impact on the trading of shops in small neighbourhood parades such as Haxby Road or Lowther Street is not a valid planning reason to oppose the proposal given that Annex 2 of the NPPF makes reference to the impact on city centres, district centres and local centres, but excludes small neighbourhood shopping parades. Gillygate is a local centre; however, the mix of uses at Gillygate is unlikely to be impacted upon by the proposed store. In addition, there is already a small Sainsbury's supermarket at its southern end.

IMPACT ON LIGHT, PRIVACY AND OUTLOOK OF NEIGHBOURS

4.46 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Draft Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.47 The changes to the chapel will have little impact on neighbours in terms of light and privacy. The key issue is the impact of the four storey extension. The main residential property to consider is 99 Union Terrace. It is not considered that the extension will be unduly harmful given that it is oblique to the main openings and a relatively large gap will remain between the proposed flats and 98 Union Terrace. As the building is to the north-west of 99 it will have a limited impact in terms of overshadowing.

4.48 The property immediately to the south (98) which will be most impacted upon is an office. It is understood that this is occupied by the NHS who are selling the Chapel building. The separation distance to the new residential building is around 11m. This equates to separation distances within many older areas of York. It is noted that the new building is located to the north and as such will have limited impact in terms of sunlight. A car park is proposed immediately adjacent to the office building. This reflects the existing use. Open railings are proposed along the boundary to avoid blocking the outlook from ground floor openings.

QUALITY OF THE LIVING ACCOMMODATION

4.49 The accommodation is of generous size. Subject to suitable noise insulation that is covered by condition it will provide good quality accommodation in an accessible location. The site is located relatively close to the office building to the south, however, the separation distances to the building is considered consistent with the 'grain' of the area, including separation distances on Union Terrace.

ALTERNATIVE USES

4.50 The planning use of the chapel for around 40 years has been offices and storage. The proposal is for retail and residential. It is considered from a land use only planning perspective there is no justification for refusing the application on the grounds that some residents may prefer the building to be used as a place of worship or for community purposes. Policy C3 of the Draft Local Plan seeks to protect community and religious facilities where they are capable of meeting local needs. This is not applicable to this application as in planning terms the building is no longer a community building. The issue of the validity of any possible alternative use(s) and merits of this in terms of the repair and restoration of the Listed Building is considered in the accompanying report for the Listed Building application (15/02834/LBC)

DRAINAGE

4.51 The NPPF requires that development should be directed into areas where flood risk is low. Developments should be safe from flooding and not increase flood risk elsewhere. Draft Local Plan policy GP15 seeks to reduce flood risk elsewhere by ensuring developments do not lead to increased surface water run-off.

4.52 The site is in Flood Zone 1 (low risk); however Union Terrace has suffered from localised flooding through the backing up of the public sewer. Yorkshire Water and the Council's Flood risk officer are satisfied that the development will not increase flood risk or be at unacceptable risk of flooding.

CRIME

4.53 Paragraph 58 of the NPPF requires LPA's to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

4.54 The Police Architectural Liaison officer had an input into the design of the retail and flatted scheme at the pre-application stage. His recommendations were taken on board and he has no objections to the submitted application. It is not considered

that the sale of alcohol causes security concerns given there are other premises nearby where it can be purchased.

It is understood that the portico of the chapel has been a location for anti-social behaviour in the past and the enhancement of the building should help lesson this problem.

IMPACT ON FOUNDATIONS

4.55 An objection has been received (with support from an engineer) expressing concerns that the shallow foundations of the Georgian properties on Union Terrace coupled with structural problems relating to drainage works may mean that the increased use of the road, particularly by lorries could lead to structural damage. The objector has requested further consideration be given to this matter.

4.56 It is not considered that this would typically be a material planning consideration and if in the future it were considered problems had occurred it would be a private law matter for the residents to pursue.

PLANNING OBLIGATIONS AND AFFORDABLE HOUSING

4.57 Planning Obligations (otherwise known as Section 106 agreements) are agreements made between local authorities and developers and can be attached to a planning permission to make acceptable development which would otherwise be unacceptable 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 fairly and reasonably related in scale and kind.

4.58 Contributions are subject to the pooling restrictions introduced under regulation 123 of the CIL Regulations whereby no contribution can be sought in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010.

4.59 The Council's current affordable housing targets for Brownfield sites, where over 15 houses are proposed is 20%. The applicant proposes 16 flats. This would generally trigger a requirement for 3 affordable units. Following negotiations regarding viability and alternative lower levels of housing (14 units) that could be justifiable at the site (and be exempt from any affordable housing contribution) it was agreed that a contribution of £125,000 to off-site affordable housing was appropriate and justifiable.

4.60 There is no requirement for contributions to education improvements as no named schools in the catchment are identified for works.

4.61 A contribution of £13,632 (based on £426 a bedroom) is sought for sporting improvements related to securing access to York St John University Playing fields on Haxby Road. There is no requirement for amenity open space and children's play space improvements.

4.62 The improvements/contributions required in respect to transport are listed below:

- £5k towards the introduction/amendment of traffic orders in the vicinity of the site including exclusion from the residents parking scheme.
- The choice of either a bus pass or cycle/cycle accessories, up to a maximum value of £160 for first occupiers of the residential units
- A contribution of £160 per residential unit towards car club membership initiatives for first occupiers.

4.63 The requirements for planning obligations are set out in policies GP13, T20 of the Draft Local Plan and guidance on commuted sum payments for open space and interim targets for affordable housing.

4.64 Leisure officers confirm that there is a shortfall in sporting provision in the area and the cap has not been met.

4.65 The payments outlined above have been agreed by the applicant and would be secured by a section 106 unilateral undertaking

5.0 CONCLUSION

5.1 The proposed scheme will create a long term viable use for the building. It is considered that the external changes are acceptable in terms of their impact on the appearance of the conservation area. The vast majority of customers visiting a retail store in this location would arrive on foot; however it will draw some custom by car drivers who will park on Union Terrace. Lorries must also access the constrained road. It is considered, however, based on the submitted calculations that the level of vehicle movement will be within acceptable levels. It is noted that the road becomes easily blocked; however, the provision of a turning head will help large vehicles to better manoeuvre in the street. The servicing of the store will generate some noise, however, it is noted that, in the context of high background noise levels at the northern end of the street this will not be unduly disruptive to living conditions.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

Site plan 1134_AR10_01 (revision A) dated 06/02/2015.

Drainage drawing 4648 dwg no.500 (revision D) prepared by Ward Cole dated 09/02/2016.

Proposed ground and first floor plans 1134_AR20_01'B' received by the Local Planning Authority on 24 February 2015.

Proposed second and third floor plans 1134_AR20_02 received by the Local Planning Authority on 11 December 2015.

Proposed fourth floor plan 1134_AR20_03 received by the Local Planning Authority on 11 December 2015.

Proposed elevations 1134_AR30_01 received by the Local Planning Authority on 11 December 2015.

Proposed section A-A and detail 01 1134_AR40_01 received by the Local Planning Authority on 11 December 2015.

Proposed section B-B and detail 02 1134_AR40_03 received by the Local Planning Authority on 11 December 2015.

Proposed south elevation 1134_AR50_01 received by the Local Planning Authority on 11 December 2015.

School room secondary glazing 1134_DT10_01 received by the Local Planning Authority on 11 December 2015.

Porch Ramp Plan 1134_EW10_01 received by the Local Planning Authority on 11 December 2015.

Porch steps and ramp 1134_EW10_02 received by the Local Planning Authority on 11 December 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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to their erection or installation.
The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

4 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to their erection or installation . This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

5 HWAY19 Car and cycle parking laid out

6 No deliveries shall be taken at or dispatched from the retail store (except for the delivery of newspapers) outside the hours of:

Monday to Saturday 07:00 to 23:00

Sundays and Bank Holidays 08:00 to 16:00

Reason: To protect the amenity of occupants of the new and nearby properties from noise.

7 The site shall not be used for the purpose of food retail until the following highway works have been implemented in accordance with the aforementioned approved plan or arrangements entered into which ensure the same;

- i) A widening of the existing footway to the site frontage by 0.5m and dedication of this land as public highway,
- ii) Modification of the kerblines at the junction Of Union Terrace and Clarence Street to enable the length of on-street parking on Union

Terrace to be extended,

- iii) relocation of the existing traffic signal head at the junction Of Union Terrace and Clarence Street to further minimise the risk of any vehicles striking it,
- iv) Modification of the existing kerb line on Union Terrace and construction of a new adoptable turning head to the front of the apartment car park entrance provision

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to minimise disruptions to the free flow of traffic.

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

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

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

9 HWAY40 Dilapidation survey

10 HWAY35 Servicing within the site

11 HWAY31 No mud on highway during construction

12 HWAY29 IN No gate etc to open in highway

13 HWAY18 Cycle parking details to be agreed

14 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess

the nature and extent of any land contamination.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

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

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

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

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

18 Prior to the occupation of the development details shall be provided showing the provision for the charging of electrical vehicles at the residential car park. The scheme shall be designed and maintained as agreed.

Reason: To support the use of electric vehicles.

19 The building envelope of all residential accommodation shall be constructed in accordance with the submitted details so as to achieve internal noise levels of 30 dB LAeq (8 hour) and 45dB LAm_{ax} inside bedrooms at night (23:00 - 07:00 hrs) and 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These noise levels shall be observed with all windows shut in the particular and other means of acoustic ventilation provided. Thereafter no alterations to the

external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of residents

20 ARCH2 Watching brief required

21 Notwithstanding the details provided any service equipment mounted externally shall be hidden from public view.

Reason: To protect the appearance of the conservation area.

22 Large scale details (1:20, 1:5 as appropriate) of the following shall be submitted to and agreed in writing by the Local Planning Authority prior to their erection/construction:

Existing building:

- a) Main entrance doors.
- b) New delivery and staff entrance door into retail store.
- c) Details of how vents would be formed in walls.

New building and link:

- d) A typical window bay of the external elevation of the new apartment block showing the modelling and details of the facade, including the integration of vents.
- e) Full details of the linking entrance.
- f) Details of all windows and doors, including manufacturer's literature
- g) Typical dormer to be provided within the mansard.
- h) Sheet metal material roofing with standing seams for the roof covering.
- h) Security screen within the car park

Whole site:

- i) The specification of landscape (hard and soft).

- j) Adaptations to the external wall onto Union Terrace including the retention of the gate and gate-piers and the new gate
- k) External lighting.

The works shall be completed in accordance with the agreed details.

Reason: To protect the appearance of the conservation area.

23 Prior to any alterations to the original chapel or school house a schedule of repair shall be provided to clearly show how repairs to the building will be carried out. The repairs works shall be completed in accordance with the agreed details prior to the occupation of the building.

Reason: To enhance and protect the character and appearance of the building.

24 Notwithstanding the details provided of the new entrance ramp at the front entrance of the chapel, details of a new open type balustrade shall be submitted to and agreed in writing by the Local Planning Authority prior to its erection/construction.

The works shall be completed in accordance with the agreed details.

Reason: To protect the appearance of the conservation area.

25 All contractors and all those involved with timber treatment, roofing and building works to be made aware of the potential presence of bats and the need to follow standard good working practices in relation to bats specifically, roofs which are to be stripped or replaced should be dismantled carefully by hand. Only half of the roof should be removed on the first day and the second half 24 hours later. This will create unfavourable conditions for any bats still roosting within the roof structure and encourage the bats to leave on their own accord. If timber treatment is required, Permethryn type chemicals on the Natural England list of approved safe chemicals should be used - Natural England Bat roosts and timber treatment products (TIN092).

Prior to the commencement of development details of what measures are to be provided within the design of the new building to accommodate bats shall be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

26 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L_{Amax} (f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. 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.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB below the background noise level at 1 meter from the nearest noise sensitive façade when assessed in accordance with BS4142: 1997 (or exceed the background noise level 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. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

Reason: To protect the amenity of occupants of the new and nearby properties from noise.

27 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations.

Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Details shall be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition the CEMP shall provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Reason: To protect the amenity of local residents

28 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site associated with such works 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 local residents

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 an acceptable outcome:

Revised drawings submitted to enlarge the proposed turning area.

2. INFORMATIVE:

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

3. INFORMATIVE

Any proposal for signage is subject of separate applications.

4. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

5. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Contact details:

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