

COMMITTEE REPORT

Date: 8 September 2016 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 16/01540/FULM
Application at: Groves Chapel Union Terrace York YO31 7WS
For: Variation of condition 6 of permitted application 15/02833/FULM to alter delivery times on Monday to Saturday from 07:00 to 18:00 to 07:00 to 19:30
By: Clarence Union Developments
Application Type: Major Full Application (13 weeks)
Target Date: 26 September 2016
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Members will recall that on 7 April 2016 planning permission (15/02833/FULM) was granted (subject to a section 106 agreement) for the conversion of the ground floor of Groves Chapel to a convenience store. The scheme also included 16 new flats, 14 of which would be in a four storey extension to the rear of the building. The decision was issued on 20 June 2016 following the signing of the section 106 agreement. The section 106 agreement related to a number of aspects, including contributions towards affordable housing, improvements to sporting provision and changes to traffic orders in the vicinity. The planning application was also accompanied by a listed building consent application (15/02834/LBC) that was also granted.

1.2 The current application is under section 73 of the Town and Country Planning Act 1990. It seeks only to vary condition 6 associated with the planning permission. Condition 6 relates to delivery times to the store and was recommended by Members.

1.3 The text of the condition reads as follows:

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 18:00

Sundays and Bank Holidays 08:00 to 16:00

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

1.4 The application is to vary the condition so that deliveries can take place up to 19:30 Monday to Saturday. The other times set out in the condition are not proposed to be altered. If permission were granted to vary the condition it would read as follows:

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 19:30

Sundays and Bank Holidays 08:00 to 16:00

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

1.5 The application does not seek to vary any other conditions imposed on the permission. The application relates only to the acceptability of varying condition 6. The time limit for implementing the planning permission (20 June 2019) is not changed through a section 73 application. If the application is granted a new decision notice will be issued that includes the other conditions contained on the previous decision notice. It is also possible to include additional conditions if relevant to the application to vary condition 6. If permission is granted a new section 106 agreement linked to the current application will need to be signed.

1.6 It is noted that there were a number of other issues that were assessed in the original consideration of the development. These included but were not limited to: the impact of the building on the appearance of the conservation area, the acceptability in respect to retail and employment policy, and impacts of the proposed building on light, outlook and privacy. These issues were resolved in the original permission and appropriately worded conditions applied. Issues not considered relevant to the application to vary delivery hours will not be reconsidered again in this report. However, as a new permission would effectively be issued, other conditions previously imposed would be re-imposed on any permission granted.

2.0 POLICY CONTEXT

2.1 The relevant policy context is only outlined in respect to matters relating to the proposed variation of condition.

2.2 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 8 Promoting health communities.

- Section 12 Conserving and enhancing the historic environment.

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

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

2.4 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
- CYHE4: Listed Buildings
- CYT20: Planning agreements
- CYHE3: Conservation Areas

Draft York Local Plan (2014) Publication Draft

2.5 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
DH1	Design & Historic Development
DHE2	Heritage Assets
DHE5	Streets & Spaces
DHE6	Conservation Areas
DHE7	Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objections. The extended hours would occur within the existing day time period when noise levels in the area are generally high, due to the background noise sources of traffic, and at a similar level to that for which permission has already been granted. In addition it is understood that the increase in hours would not result in additional vehicle movements but just provides a slightly larger window for delivery times.

3.2 Details in the submitted noise report indicated that the noise levels of deliveries would be similar to, or slightly lower than, the existing background noise level. In addition given the limited number of deliveries per day and because the noise from vehicles deliveries is not dissimilar in nature to that noise already experienced by properties due to traffic in the area already, the impact is likely to be minimal.

EXTERNAL

Neighbour Notification and Publicity.

3.3 Neighbours were consulted on 5 July 2016. A site notice was erected on 15 July 2016.

3.4 At the time of writing this report objections have been received from 8 residents covering the following matters:

- Concerns over amenity of nearby residents in terms of sleep and disturbance. Nothing has changed since the condition was approved.
- The proposal should be viewed from the position of the needs of nearby residents rather than Sainsbury's.
- The council's Public Protection officer had 'some concerns' regarding the noise impact and greater clarity should be provided in respect to the noise impacts.
- Sainsbury's should adapt to the approved condition.
- The approved delivery hours are too long and deliveries should take place within normal working hours.
- Lorries including reversing lorries with 'beepers' causes disturbance.
- There are alternative uses for the building including proposals to restore the Chapel
- Cars mount the pavement to pass lorries creating a hazard for pedestrians and local residents.

- The original decision should be reviewed in the light of the letter from the Planning Inspectorate expressing concerns about highway evidence at the hearing for the Sainsbury's appeal at B&Q in Osbaldwick.

The matters raised by objectors are considered within the appraisal below.

Police Architectural Liaison Officer

3.5 No objections.

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.

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 2 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 131 advises that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- Paragraph 140 advises that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from these policies.

4.10 The only proposed change from the approved scheme is an extension of possible delivery times into the early evening. The proposed changes should not increase the number of delivery vehicles visiting the site. It is not considered it will have any material impact on the setting of the listed building and the character and appearance of the conservation area.

4.11 The application planning statement states that if the delivery times are restricted to 18:00 it puts into question the development as there is a 'genuine possibility' that Sainsbury's will not take up the occupation of the proposed convenience store. The applicant argues that without a convenience store the only realistic, viable scheme for securing the future of the grade 2 listed building will be lost.

4.12 The applicant's concerns regarding viability are noted, however, it is not clear that a convenience store is the only viable option to repair and safeguard the building. It is the only proposal that that has been submitted as a planning application, however, this would not imply that other routes to protect and maintain the building are not available. It is not considered that such weight can be given to the importance of implementing the approved retail scheme that policies that seek to protect residential amenity should be given lesser weight. In addition, the permission is not personal to Sainsbury's. Although they indicate that they may not be able to operate within the restricted delivery hour's condition, it is not considered that the 18:00 restriction is so restrictive to be unpractical for all operators. The approved delivery time restrictions are relatively tight, however they are not without precedent in the city. There is the example of a 2012 approval (11/03269/FULM) for a convenience store (Spar) on Huntington Road which has a 07:00-18:00 delivery restriction Monday to Friday. This was suggested by the Council's Public Protection Team because of the proximity to housing. The store is in operation.

HIGHWAY ISSUES

4.13 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.

4.14 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.

4.15 The variation to condition 6 will potentially lead to deliveries taking place at the premises up to 19:30 rather than the 18:00 restriction in the current permission. The applicant's have stated that this has the benefit of allowing the store to be re-stocked at a time when it is less busy in the store. It also gives a little more flexibility in terms of the movement of delivery vehicles around the city.

4.16 The key highway issue is whether the change would create highway safety concerns for other road users and pedestrians. The proposed changes should not increase overall vehicle numbers using Union Terrace. It is not considered that the hours of 18:00 - 19:30 raise particular concerns in respect to conflict with pedestrians or vehicles using Union Terrace and would not clash with times that children are going to or coming home from school. If arriving at 18:00 a delivery lorry would be accessing Union Terrace at a busy time in the day, however, it is considered that the main potential for conflict with other road users on Union Terrace is likely to be when the vehicle is leaving at up to 19:30. At this time it would be expected that vehicle movements on Union Terrace would be falling. Peak traffic flows are generally considered to be between 17:00 – 18:30.

4.17 It is noted that later in the evening there are likely to be more resident's cars parked in the street, however, the main north-south section used for parking is straight and does offer good inter-visibility. The extension of delivery times would also not be expected to increase any conflict with other delivery and collection vehicles that use Union Terrace.

4.18 The third party comments regarding the position with the appeal relating to B&Q in Osbaldwick are noted, however this application is considered upon the particular site circumstances and the other matters relevant to this application, as assessed in this report.

NOISE AND DISTURBANCE

4.19 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.

4.20 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.

4.21 The council's Public Protection Officer considers that the difference in background noise levels between 18:00 and 19:30 is so modest that the proposed extension to the delivery hours agreed at Committee are acceptable.

4.22 Union Terrace is a narrow street and a delivery vehicle leaving at 19:30 has the potential to create some disturbance, particularly to residents who live on the quieter sections away from the junction with Clarence Street. It is not considered however, that the impact on amenity would be materially different than if a delivery vehicle left at 18:00. 18:00 and 19:30 are both before a time that people would typically be asleep. The change to 19:30 would mean that deliveries would take place at times in the day when more people are likely to be at home. However, the noise assessment does not indicate that the noise climate at this time is such that it would not have an unacceptable impact on living conditions. In terms of the early evening enjoyment of private outdoor space it is noted that this is to the rear of homes in Union Terrace and the separation and barrier formed by homes creates a degree of protection to evening users of rear yards and gardens.

4.23 Most deliveries to the shop are earlier in the day and the applicant indicates that only one delivery vehicle would seek to leave in the evening.

4.24 The applicant states in 5.11 of their planning statement that vehicle engines and air cooling units will be turned off during delivery and that reversing warnings will use crackling rather than beepers. It is considered that this should be controlled by condition to further limit the potential for disturbance.

5.0 CONCLUSION

5.1 It is clearly apparent that a number of residents have strong objections to the development of the chapel with a convenience store in the ground floor. However the Authority can only consider the Planning issues arising from the proposal to vary condition 6 of the permission to allow deliveries from Monday to Saturday (except Bank Holidays) to take place up to 19:30 rather than 18:00.

5.2 The previous application proposed delivery times up to 23:00. Although officers did not object to this, Members considered that delivery times should be restricted to 18:00 to protect the amenities of residents.

5.3 The applicant has indicated that the delivery restriction to 18:00 potentially makes the building unviable as a convenience store and puts at risk the regeneration of the Chapel.

Officers consider that it is not clear that the restriction does make the use unviable. In addition, it is not clearly apparent that the approved scheme is the only way of safeguarding the listed building.

5.4 The key consideration is whether the requested extension of delivery times from 18:00 to 19:30 would unacceptably harm residential amenity. The changes should not lead to more delivery vehicles using the street but would typically allow the last delivery to leave at 19:30 rather than 18:00. It is not considered that there are any highway safety or traffic movement issues that would support refusal of the proposal and it may be the case that the greater flexibility in delivery times is beneficial in this respect. In terms of residential amenity, it is not considered that if the condition were varied to allow deliveries up to 19:30 there would be a material difference to amenity within homes. In coming to this conclusion regard is given to existing background noise levels at the two times. It is noted that residents are more likely to be at home at 19:30 than 18:00, however, on the basis of the noise assessment it is not considered that allowing a little more flexibility in delivery times would be unacceptable. In addition, it is noted that an extension of delivery times to 19:30 would not conflict with normal sleep patterns.

5.5 If the application is approved it is recommended that an additional condition (29) is included requiring the vehicles to operate in a way that minimises noise when unloading and manoeuvring.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 The development shall be begun not later than 20 June 2019.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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 19:30

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 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

29 All delivery vehicles serving the retail use shall turn off vehicle engines and air cooling units during the delivery period and if delivery vehicles emit a reversing warning noise on Union Terrace this shall be only a crackling 'white noise'.

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

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) and taken account of all relevant local policies, and considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to identify solutions to problems arising from the proposed development.

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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