

COMMITTEE REPORT

Date: 15 September 2016 **Ward:** Micklegate
Team: Major and Commercial Team **Parish:** Micklegate Planning Panel

Reference: 15/02645/FULM
Application at: Oliver House Bishophill Junior York YO1 6ES
For: Demolition of existing building and erection of Retirement Living Housing for the elderly with associated communal facilities, landscaping and car parking
By: McCarthy & Stone Retirement Lifestyles Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 18 September 2016
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Oliver House comprises a substantial buff brick and concrete tile built former Elderly Person's Home occupying a prominent location within the Central Historic Core Conservation Area to the south west of Micklegate. The City Walls, a Scheduled Ancient Monument, lie directly to the south west and the Grade 1 Listed Church of St Mary's Bishophill Junior lies a short distance to the north east. Planning permission is sought for the redevelopment of the site to provide a 34 apartment retirement living complex for McCarthy and Stone. The proposal has been amended several times since submission to deal with conservation and residential amenity concerns.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core CONF

City Boundary York City Boundary 0001

2.2 Most relevant Policies within the Development Control Local Plan (2005 4th set of changes):-

CGP4 (a) – Sustainability

CGP15A - Development and Flood Risk

CYGP1 - Design

CYHE10 - Archaeology

CYH2A - Affordable Housing

CYHE2 - Development in historic locations

CYHE3 - Conservation Areas

3.0 CONSULTATIONS

INTERNAL:-

- 3.1 Public Protection raise no objection to the proposal subject to any permission being conditioned to require prior approval of any plant, that may be audible off site, details of remediation of land contamination and the submission of a Construction Environmental Management Plan.
- 3.2 Highway Network Management raise no objection in principle to the proposal but have expressed concern in respect of the manoeuvrability of vehicles within the site and the need to secure a Traffic Regulation Order for the site frontage. The application has subsequently been amended to address these concerns.
- 3.3 Public Realm (Strategy and Contracts) raise no objection to the proposal.
- 3.4 Planning and Environmental Management (Archaeology), raise no objection to the proposal subject to a detailed archaeological evaluation of the site being undertaken prior to construction work commencing.
- 3.5 Planning and Environmental Management (Ecology), raise no objection in principle to the proposal but raise concern that the existing building comprises a potential habitat for roosting bats. A detailed bat survey has subsequently been undertaken which demonstrates that no bats are present at the site.
- 3.6 Planning and Environmental Management (Conservation), raise no objection in principle to the proposal. The concerns in respect of the impact of the proposal upon the setting of the Church of St Mary Bishophill Junior is acknowledged and the character and appearance of the Conservation Area at the junction of Priory Street and Bishophill are acknowledged. However, it is felt that the proposed work would constitute less than substantial harm to the significance of both Conservation Area and the setting of the Listed Building and the removal of the current building which is taken to be a significant detractor from the character of the Conservation Area is felt to convey a degree of public benefit as required by paragraph 134 of the NPPF.

3.7 Strategic Flood Risk Management was consulted in respect of the proposal on 4th July 2016. Views will be reported orally at the meeting.

3.8 Housing Services raise no objection in principle to the proposal subject to the payment of a commuted sum in lieu of provision of affordable housing on site. This being assessed at a compromise figure of £850,000 based upon detailed discussions with the applicant in respect of viability and the provision of a supporting report by the District Valuer which indicated that the site could be developed viably to generate a sum of approximately £1 million in respect of commuted sums, objection would however be offered in respect of any lower figure.

EXTERNAL:-

3.9 Yorkshire Water Services Limited raises no objection to the proposal.

3.10 The North Yorkshire Police Force Architectural Liaison Officer raises no objection to the proposal.

3.11 Micklegate Planning panel was consulted in respect of the proposal on 4th July 2016. Views will be reported orally at the meeting.

3.12 Historic England raises concerns in respect of the visual relationship between the proposed development the tower of St Mary Bishophill Junior and the nearby section of the City Walls. The visual relationship between the Walls and the Church Tower is of major importance both to the setting of the Listed Church and to the significance of the Conservation Area. It is felt that unless the section of the proposed building facing the City Walls along Priory Street is lowered then the significance of the Conservation Area and the setting of the Church would be seriously harmed and planning permission should be withheld.

3.13 York Civic Trust raises no objection in principle to the proposal but raises concerns in respect of the visual relationship of the proposal to the City Walls and to the tower of St Mary Bishophill Junior and the impact of its scale and massing upon the character of the adjacent section of the Historic Core Conservation Area.

3.14 25 Letters of objection have been received. The following is a summary of their contents:-

- Concern in respect of loss of residential amenity through overbearing impact, loss of light and privacy upon properties to the north east of the site in Priory Street and to the south of the site in Fairfax Street;

- Concern in respect of the impact of the proposal upon the character and appearance of the Central Historic Core Conservation Area, specifically in terms of its scale and massing relative to its surroundings;
- Concern in respect of increased on-street parking in surrounding side streets;
- Concern in respect of the impact of the proposal upon traffic generation and traffic flows in surrounding side streets;
- Concern in respect of the loss of residential amenity during the construction process through increased noise and vibration;
- Concern in respect of impact upon the setting of the City Walls and the setting of the Church of St Mary Bishophill Junior;
- Concern that the payment of a substantial commuted sum in respect of affordable housing may influence the grant of planning permission.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 key considerations include:-

- Impact upon the setting of the Church of St Mary Bishophill Junior a Grade I Listed Building and the City Walls;
- Impact upon the character and appearance of the Central Historic Core Conservation Area;
- Impact of the proposal upon deposits of Archaeological Importance;
- Impact upon the residential amenity of neighbouring properties;
- Presumption in Favour of Sustainable Development;
- Provision of financial contribution towards off-site "affordable housing" by commuted payment;
- Impact upon the level of on-street parking and traffic flow in the surrounding area.

PLANNING POLICY CONTEXT

4.2 The National Planning Policy Framework (NPPF) is the most up-to date representation of key relevant policy issues (other than the Saved Regional Spatial Strategy Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be assessed.

STATUS OF THE EMERGING YORK LOCAL PLAN PUBLICATION DRAFT (2014)

4.3 Publication Draft York Local Plan (2014):- An eight week consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan started on 18 July 2016.

4.4 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

4.5 Relevant emerging policies are as follows:

- D4 (Conservation Areas) and D5 (Listed Buildings).

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th Set of Changes).

4.6 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions where they are in accordance with the National Planning Policy Framework.

HERITAGE ASSETS; STATUTORY DUTY UNDER PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (AS AMENDED) AND NATIONAL POLICY

4.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 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.

4.8 Section 72(1) of the 1990 Act requires the Local Planning Authority when determining planning applications to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

4.9 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The application must be judged on this basis.

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

- 4.11 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as “designated heritage assets”. Section 12 advises that planning should 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. Paragraph 131 of the NPPF, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset’s significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.
- 4.12 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.”
- 4.13 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.
- 4.14 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.”
- 4.15 Paragraph 135 requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application.

IMPACT UPON THE SETTING OF ST MARY BISHOPHILL JUNIOR AND THE CITY WALLS

- 4.16 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council 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.” As a statutory duty, any harm to the listed building or its setting must be afforded considerable weight and importance when considered in the planning balance and this is outlined below.

- 4.17 Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.18 Policy D5 of the emerging Draft Local Plan supports proposals affecting Listed Buildings where accompanied by a clear evidence based justification and where the significance and heritage value of the building is maintained. Whilst very little weight can be afforded to the emerging policy at this early stage, it reinforces the need to have special regard to the desirability of preserving the listed building, in line with the statutory duty.
- 4.19 The Church of St Mary Bishophill Junior comprises a substantial Grade I Listed stone built structure dating from the medieval period with a narrow high tower constructed of largely reused Roman masonry dating to the period around AD1000 and as such it is the oldest continuously occupied building within the City. Recent research has furthermore suggested a function for the tower in the City's civic government and defence predating the City Walls in their current form. As such the visual and functional relationship between the Church tower and the City Walls is of substantial importance in terms of the significance of both. The existing building of Oliver House with its squat scale and massing, discordant, idiosyncratic siting and inappropriate palette of materials is moderately harmful to both.
- 4.20 Serious concerns have been expressed in relation to the degree of obstruction that the mass and roofs cape of the new building would give rise to in terms of views of the Church tower from the City Walls specifically the symbolically important belfry openings. In respect of the scheme as submitted the upper tier of apartments and specifically the resident's lounge would give rise to a significant degree of visual disruption between the two points. The scheme has been amended on several occasions since submission in order to address this issue, to lower the roof form and also to lessen the volume of the accommodation provided. It is felt that the proposals as most recently amended whilst causing a small degree of visual disruption in views from the Walls to the south west, now broadly maintain the significant relationship in terms of the setting of both monuments. Any harm to the significance of the setting in terms of paragraph 134 of the NPPF is now felt to be less than substantial and even when considerable weight and importance is attached to the harm, it is outweighed by the public benefit of the loss of the existing building and the re-establishment of a built form more correctly reflecting the grain and palette of materials of the surrounding townscape.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CENTRAL HISTORIC CORE CONSERVATION AREA

4.21 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council "to have special regard to the desirability of preserving and enhancing the character and appearance of Conservation Areas. As a statutory duty any harm to the conservation area must be afforded considerable weight and importance when considering the planning balance and this is outlined below. Where any harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission.

The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.22 Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the desirability of sustaining and enhancing the significance of heritage assets and putting them to uses consistent with their conservation.

4.23 Policy D4 of the emerging Draft Local Plan supports proposals if designed to conserve and enhance the Conservation Area whilst leaving its essential qualities unchanged. Whilst very little weight can be afforded to the emerging policy, it reinforces the need to have special regard to the desirability of preserving and enhancing the conservation area, in line with the statutory duty.

4.24 The Central Historic Core Conservation Area in the vicinity of the proposal comprises a mix of densely developed brick built housing of early 19th Century date leading out from the City Centre a short distance to the north east. Elements of the much earlier Medieval pattern of development also survive in respect of the remains of Holy Trinity Priory to the north and north east, the Church of St Mary Bishophill Junior to the north east and the City Walls themselves to the west and south west. The application site has been specifically identified in the Central Historic Core Conservation Area Character Appraisal as being a major detractor, in terms of its bulk, relationship to the street frontage and the highly idiosyncratic palette of materials adopted for its construction. It is furthermore specifically harmful and discordant in terms of its visual relationship with the City Walls, the early 19th Century St Clements Congregational Chapel to the north west and the middle distance view to Micklegate itself to the north.

4.25 The proposal would restore a more accurate and faithful relationship of building to street frontage with the use of a palette of materials, pattern of fenestration and roof forms more suitable for the surrounding area. Concern has been expressed in terms of the impact of the scale of the proposed development

upon the character and significance of the Conservation Area. The scheme has however been amended to adjust the roof form and pattern of fenestration to mirror as far as practicable the pattern of the terraced housing lining Priory Street directly to the north and to the south west where the development bounds the lower rise properties of Fairfax Street the scale and massing has been stepped down. It is felt that this creates a more visually and historically respectful built form than the existing and that whilst the proposal would give rise to less than substantial harm to the significance of the Conservation Area this would be off set in the planning balance by the correction of the existing situation even when considerable importance and weight is attached to the harm. It is felt that the removal of the building, which has been identified in both the Central Historic Core Conservation Area Character Appraisal and the 1974 Bishophill Conservation Strategy as a significant detractor would amount to a substantial public benefit in line with paragraph 134 of the NPPF.

IMPACT UPON DEPOSITS OF ARCHAEOLOGICAL IMPORTANCE

4.26 The application site lies within the confines of what was the Roman civilian trading settlement directly to the west of the centre of local government and military garrison, and a short distance from the west gate leading to the town of Calcaria (Tadcaster). In the 1970s significant evidence of Early Medieval trading and industrial development was identified to the north and east and significant evidence still survives of Later Medieval urban development lining Micklegate directly to the north. The site furthermore lies within the confines of the statutory Area of Archaeological Importance. Trial sampling has been undertaken within the exposed areas of the site which has identified evidence of a depth of Medieval garden soil overlying a substantial well constructed Roman building sections of which would have to be excavated in order for the development to be implemented along with the foundations being specifically designed to accommodate preservation of the bulk of the building in situ. As such the proposal is felt to be acceptable in archaeological terms providing the minimum amount of disturbance is undertaken and the foundations are designed appropriately. This may be conditioned as part of any planning permission.

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

4.27 The NPPF establishes that sustainable development should be seen as golden thread running through both plan-making and decision taking. In broad terms, the effect of national planning policy as outlined in paragraph 49 of the NPPF is that when relevant policies for the supply of housing are out of date, planning application for housing should be considered within the context of the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF. However, paragraph 14 indicates that the presumption should not be applied if specific policies indicate that development should be restricted and footnote 9 refers by way of example to policies relating to heritage assets. The

site does occupy a significant and prominent location within the Central Historic Core Conservation Area and the settings of the City Walls and the Church of St Mary Bishophill Junior both Grade I Listed Buildings. As such, in accordance with foot note 9 to paragraph 14 of the NPPF the presumption in favour of sustainable development does not apply in this case. Instead, it is necessary to judge this application against, amongst other things, paragraph 134 of the NPPF which is considered earlier in this report.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.28 Central Government planning policy as outlined in paragraph 17 "Key Planning Principles" of the National Planning Policy Framework urges Local Planning Authorities to safeguard a good standard of amenity for new and existing occupiers of land and buildings. Particular concern has been expressed by residents of Fairfax Street to the south west of the site in terms of the potential for loss of privacy through overlooking as well as a loss of residential amenity by virtue of the physically overbearing nature of the development. Since submission the proposal has been substantially amended to lower its scale as it meets the rear of properties aligned on Fairfax Street. The principal living areas of the apartments at the south western edge of the site have also been realigned to ensure that principal living areas are no longer lit by windows overlooking the adjacent properties with only a stair landing window facing the adjacent properties at a distance of 10 metres. The gable of the two storey section of the apartments at the southern edge of the development lies closer to the adjacent property at the junction of Fairfax Street and Priory Street. That property is however aligned north east /south west with the principal living windows located away from the application site. Any impact upon the residential amenity of occupiers would therefore be modest and the relationship is highly characteristic of the pattern of development in the wider area.

4.29 Separation distances to the Local Authority housing to the north east are more significant and reflective of the existing pattern of development with the closest distance some 11 metres frontage to gable. The adjacent properties would overlook the amenity area associated with the new development as at present and there would not be any issue of mutual overlooking or any harm to amenity by virtue of the scale of the new development being overbearing. In broad terms the relationship of the proposal to the surrounding area is reflective of broader relationships within the established pattern of development and it is felt would not materially harm the residential amenity of neighbouring properties. Concern has also been expressed in relation to piling for foundations close to properties on Fairfax Street to the south. The detailed foundation design will however be the subject of a requirement for prior approval by condition in order to safeguard the significant archaeological

remains in the area. The requirements of paragraph 17 of the National Planning Policy Framework can therefore be complied with.

COMMUTED SUM PAYMENTS

4.30 The proposed development triggers a requirement for the payment of commuted sums to secure a Traffic Regulation Order for the surrounding side street (approximately £6,000) and for the provision of affordable housing in line with the Authority's adopted Interim Target for brown field sites of 20%. In view of the specialist nature of the development it is accepted that on-site provision of affordable housing would not be feasible so negotiations have taken place on the basis of the payment of a commuted sum secured by a Section 106 Agreement. After a protracted period of negotiation a compromise sum of £850,000 was sought in this case to secure compliance with the adopted Interim Policy Target in this case. The contributions sought are required to comply with the statutory tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 such that they are (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

4.31 Following an independent appraisal by the District Valuer the applicant has offered a contribution of £570,000 to cover all commuted sum requirements based upon the very particular circumstances of the site and the manner required to develop it. A report has been submitted by the District Valuer which identifies that with an 18% developer profit and subject to a strict range of permutations relating to the construction method including the cost of demolition and the foundation design, that a sum in the region of £1million could be made available in respect of the required commuted payments. The applicant however contests the suggested profit level in view of the very specialist nature of the development. At the same time attention is drawn to significant concerns in relation to the assumptions surrounding construction costs which are unrealistically low in respect of the foundation design and execution and make no allowance for the specialist design work which will be required to accommodate the significant archaeological deposits which have been identified across the site, the full extent of which will only become known subsequent to demolition.. It can therefore be argued that a requirement for a commuted payment based upon the DVA report would not be compliant with Regulation 122 c) of the CIL Regulations in this case as assumptions made in respect of elements of the construction cost are clearly unreasonable. In the circumstances it is therefore recommended on balance that the total sum of £570,000 offered by the applicant should be accepted and secured by means of a Section 106 Agreement to provide that £6,000 would be applied by the Council towards the making of a TRO and £564,000 would be applied by the Council towards the provision of off-site affordable housing.

The final detail of the apportionment would be agreed through a Section 106 Agreement. The applicant has also agreed to stage the required payments through the construction process.

IMPACT UPON PARKING AND TRAFFIC FLOW IN THE LOCALITY

4.32 Concerns have been expressed in respect of the impact of the proposal upon levels of traffic generation and on-street parking within a sensitive area close to the City Centre. The proposal is however sustainably located in relation to public transport routes along with shops and facilities that residents would access. At the same time the proposed level of on-site parking would comply with the adopted maximum parking standards. Information submitted by the applicant indicates a low level of on-site parking requirement and consequent vehicle trip generation. The proposal is therefore felt to be acceptable in highway terms.

SUSTAINABILITY

4.33 Policy GP4 (a) of the York Development Control Local Plan requires that new development should clearly demonstrate how it complies with the principles of sustainable development.

The application site lies in a sustainable location with easy access to shops and services within the City Centre and key public transport routes. The proposed building complex has been designed on a “fabric first” basis to minimise the use of embodied energy and will include cycle and scooter provision to minimise car usage. A detailed Building for Life Pre-Construction Report has also been submitted which clearly demonstrates that the development would comply with the requirements of Policy GP4a) of the Development Control Local Plan.

5.0 CONCLUSION

5.1 The amendments to the scheme are felt to satisfactorily address the previous concerns in respect of the relationship of the building to the setting of the Church of St Mary Bishophill Junior and the City Walls as well as the character and appearance of the Historic Core Conservation Area with the loss of the existing building amounting to a significant public benefit to outweigh the less than substantial harm to the significance of these designated Heritage Assets even when considerable importance and weight is attached to the harm. At the same time the adjustment to the scale and massing of the development as it approaches properties in Fairfax Street would effectively address concerns in relation to residential amenity.

5.2 The proposal generates a requirement for the payment of a commuted sum in lieu of the provision of on-site affordable housing.

The applicant has identified a significant viability issue in terms of the manner in which the sum has been calculated through the costs of demolition and the need to establish a bespoke foundation design and construction method to protect important buried archaeological remains. In order to comply with Regulation 122 c) of the CIL Regulations it is therefore recommended that their suggested compromise commuted sum payment of a total of £570,000 towards a TRO and the provision of off-site affordable housing be agreed to and secured by means of a Section 106 Agreement. The scheme as a whole is therefore felt on balance to be acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to prior completion of a Section 106 Agreement and the following conditions:

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs:-NE-2118-03-AC-010 Rev C; 05108_Visibility Loss Plan-15 08 16;
NE_2118_01_AC_003_ARTISTS IMPRESSION_SHEET 1_REV E;
NE_2118_01_AC_004_ARTISTS IMPRESSION_SHEET 2_REV E;
NE_2118_01_AC_005_ARTISTS IMPRESSION_SHEET 3_REV E;
NE_2118_01_AC_006_ARTISTS IMPRESSION_SHEET 4_REV E;
NE_2118_01_AC_007_ARTISTS IMPRESSION_SHEET 5_REV E;
NE_2118_01_AC_007_ARTISTS IMPRESSION_SHEET 5_REV E;
NE_2118_01_AC_008_ARTISTS IMPRESSION_SHEET 6_REV E;
NE_2118_01_AC_009_ARTISTS IMPRESSION_SHEET 7_REV E; NE-2118-04-HE-001; NE-2118-04-HE-002; NE-2118-04-HE-003; NE-2118-03-AC-016-BLOCK 1-DETAIL ELEVATIONS AND SECTIONS_REV E; NE-2118-03-AC-017-BLOCK 2-DETAIL ELEVATIONS AND SECTIONS_REV E; NE-2118-03-AC-018-BLOCK 3-DETAIL ELEVATIONS AND SECTIONS_REV E; NE-2118-03-AC-019-BLOCK 4-DETAIL ELEVATIONS AND SECTIONS_REV E; NE-2118-03-AC-020-BLOCK 5-DETAIL ELEVATIONS AND SECTIONS_REV E; NE-2118-03-AC-021-BLOCK 6-DETAIL ELEVATIONS AND SECTIONS_REV E.

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

- 3 VISQ8 Samples of exterior materials to be app
- 4 VISQ7 Sample panel ext materials to be approved

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees shrubs, and hard landscaping This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

- 6 Large scale details (1:20 and 1:5 with specifications as appropriate) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

a) Special eaves and verge conditions (including gutters and outfalls)

b) Main entrance including, canopy/framing, windows, doors and threshold condition.

c) Dormer windows

d) Bay windows

e) External protective guarding to doors and windows (guarding must be set back within the opening to preserve the depth of reveal)

f) Windows incorporating louvers (notwithstanding the submitted details)

g) Other external doors

Reason: So that the Local Planning Authority may be satisfied with these details and to secure the character and appearance of the Conservation Area.

7 ARCH1 Archaeological programme required

8 ARCH3 Foundation design required

9 EPU1 Electricity socket for vehicles

10 LC1 Land contamination - Site investigation

- 11 LC2 Land contamination - remediation scheme
- 12 LC3 Land contamination - remedial works
- 13 LC4 Land contamination - unexpected contamination
- 14 Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To safeguard the amenity of residential occupants in the surrounding area,

- 15 NOISE7 Restricted hours of construction
- 16 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (LA max (f)) and average sound levels (LA eq), 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 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 local residents.

17 HWAY18 Cycle parking details to be agreed

18 HWAY19 Car and cycle parking laid out

19 HWAY40 Dilapidation survey

20 The premises shall be used for Later Living Retirement Housing (Category 2) for those aged 60 years and over and for no other purpose, including any other purpose in Class C3 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: The nature of the development as Later Living Retirement Housing means that the mix of unit sizes, the lack of provision for on-site affordable housing and the level of contributions towards off-site open space and affordable housing provision does not comply with policies H2a, H3c, L1c and GP13 of the Development Control Local Plan and paragraphs 50 and 203 of the National Planning Policy Framework, as such the occupation of the development for general market housing would be inappropriate.

7.0 INFORMATIVES:

Notes to Applicant

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

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

- i) Sought a series of design amendments to deal with concerns in respect of impact upon a series of designated Heritage Assets and the residential amenity of neighbouring properties.
- ii) Sought to achieve the payment of a satisfactory commuted sum in lieu of the provision of affordable housing on site.

2. CONTROL OF POLLUTION ACT 1974:-

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974.

In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

3. UTILITIES:-

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.

Contact details:

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