

Application **16/01003/FUL**
Site **Stonebow House**

Committee Update

Amendments to conditions

Landscaping

An updated condition is proposed to agree the detailed landscaping scheme for the land to the west of the building. The scheme would follow the principles established in the revised landscaping plans. Condition 4 would be altered to acknowledge it would not include this area.

Proposed condition to replace condition 12 in the report –

A detailed landscaping scheme, following the principles shown on the approved landscaping plan 2014-222/9108, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby approved.

The hard landscaping measures shall be implemented in accordance with the approved scheme prior to first occupation.

The soft landscaping measures shall be implemented in accordance with the approved scheme within 6 months of first occupation.

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.

The public seating areas and cycle parking shall be retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

Staff Cycle parking

An extra condition is proposed for staff cycle parking to be approved and installed before occupation of the relevant unit.

Staff cycle parking for each commercial unit shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the relevant unit and retained for such use at all times.

Reason: To promote sustainable travel in accordance with section 4 of the NPPF.

Waste collection

Amend condition 17 as follows –

Waste from the commercial units hereby approved shall be stored within the building.

Waste shall only be collected during the following hours: 07:00 to 23:00 each day of the week.

Air Quality

Condition 13 can be deleted.

5 months monitoring has shown that air quality levels outside the proposed apartments do not exceed national recommendations.

- Short term monitoring results have been ‘annualised’ to provide an estimate of annual mean concentrations at the proposed building facade and for comparison with health based air quality objectives.
- The results of the monitoring at first floor level and above, to all elevations, has shown the concentrations of nitrogen dioxide are likely to be well below the health based annual mean nitrogen dioxide objective of 40µg/m³. No exposure mitigation is therefore considered necessary based on residential uses at first floor and above.
- The results of monitoring at ground floor level indicate that the annual mean nitrogen dioxide objective is being breached to the Stonebow facade. The restaurant/commercial uses proposed for ground floor level would not be considered relevant/sensitive locations with respect to the annual mean nitrogen dioxide objective. No exposure mitigation is considered necessary at ground floor.

CLlr Craghill comments officer response -

Tree Protection

The site is in the conservation area and is therefore subject to control.

Planting & Cycle stands

Could be secured through the relevant condition. We could add an informative to condition 12.

Public access to cycle facilities and seating

Covered in proposed revised condition

Outdoor seating

A closing time could be conditioned if members considered appropriate. Note this can also be controlled through the Licensing Act.

Waste storage

It is proposed to amend condition 17 as worded above.

Mix of commercial uses / proposed restriction of drinking establishments

The test to consider in this respect is that any conditions would need to be reasonable and necessary.

The condition would arguably be unreasonable as the restriction would be a significant change compared to the applicant's proposal.

In terms of whether a condition (or similar) would be necessary, to impose the restriction would need to be justified, on either crime and disorder grounds, or if there were harm to the vitality and viability of the city centre identified.

Officers consider such a condition would not be necessary as -

- The site is not on a primary shopping street, so the non-retail uses proposed are appropriate in principle
- The building predominantly has dead frontages and makes a low contribution to vitality and viability currently.
- The scheme proposes an improved public realm and commercial uses with far more prominence. These factors will enhance the vitality and viability of this part of the city.
- Most of the commercial floor space previously accommodated night-time uses / drinking establishments.
- The scheme has been designed in consultation with the Police Architectural Liaison Officer; it offers better natural surveillance of the public realm and clearly defines private spaces i.e. the passage through the building and staircase at the east side of the building are removed & there will be restricted access to the upper floor car park.