

COMMITTEE REPORT

Date: 30 November 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 17/01905/FULM
Application at: Rowntree Wharf Navigation Road York
For: Partial conversion of ground and first floor offices into 14 residential apartments (use class C3).
By: Piccadilly One Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 10 November 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The site is within the Central Historic Core Conservation Area, Rowntree Wharf is a Grade II listed building and due to its height and enclosure by water features (Wormalds Cut and the River Foss) on three sides, is a landmark building in this part of the city. Constructed in 1896 as a roller flour mill by W G Penty for Sidney Leetham. Converted (upper floors) to flats in 1990. At the time of construction, the mill was at the forefront of technology. The building is attached via a mezzanine level access at first floor to a 1990s-era multi storey car park building providing car parking for the existing office and residential use.

1.2 Planning permission is sought for the change of part of the ground and first floor of the building to form 14 additional residential units. The application originally sought change of use to 23 units; however the plans were changed in the light of comments made. This part of the building has most recently been used for office accommodation.

1.3 The proposal will provide 8 studio apartments on the ground floor together with 5 studio apartments and one no. one bedroom flat on the first floor including the creation of one additional apartment in the space of an existing staircase. (modern insertion). The apartments will be arranged either side of a central corridor, with residents accessing the building via the existing main doors at the eastern end of the building.

1.4 An application for listed building consent has been submitted in respect alterations to allow the residential conversion (17/01906/LBC).

1.5 The alterations to the buildings and its setting necessary to allow the conversion include:

- Removal of modern internal partition walls and replacement with new partitions to create the individual residential units.
- Removal of a modern metal staircase
- Alteration to the existing suspended ceiling.
- Alterations to the bin storage arrangements
- Crime prevention measures including upgraded lighting and CCTV and clear safety film to windows.

No alterations are proposed to the existing window openings.

PLANNING HISTORY

05/02251/FUL and 05/02258/LBC - planning permission and listed building consent for the conversion of fifth floor offices to eight apartments with the provision of additional car parking - granted permission January 2006.

15/0189/ FULM and 15/01892/LBC - planning and listed building consent granted for alterations to the ground and first floor to create 34 flats.

17/01533/FULM and 17/01535/LBC variation of condition 2 approved to enclose some columns within the ground and first floor.

17/01888/FUL and 17/01889/LBC planning and listed building consent approved for the alteration of the layout granted by applications 15/01891/FULM and 15/01892/LBC, to provide 5 additional units.

There have been a number of applications and listed building consents for works to individual flats within the Rowntree Wharf development. These applications are not considered significant to the consideration of the current application

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Floodzone 2 GMS Constraints: Floodzone 2

Floodzone 3 GMS Constraints: Floodzone 3

Listed Buildings GMS Constraints: Grade 2; Rowntree Wharf Navigation Road

2.2 Policies

Draft Development Control Local Plan (2005)

GP1 Design
GP3 Planning against crime
GP4A Sustainability
H3 Conservation Areas
H4 Listed Buildings
GP15A Development and Flood Risk

Pre- Publication Draft Local Plan (September 2017) Policies

D1 Place making
D4 Conservation Areas
D5 Listed Buildings
E3C Loss of Employment land
ENV5 Sustainable Drainage

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Any comments received will be reported verbally.

Planning and Environment Management (Forward Planning)

3.2 Advice of the Economic Development Officer should be sought on the loss of the office space. If concerns are raised by Economic Development then policy would raise an objection to the loss of this employment site. If the loss of employment use is acceptable residential use is supported provided the development detail within the conservation area and to the listed building is acceptable.

Economic Development Unit

3.3 Any comments received will be reported verbally.

Planning and Environment Management Conservation Officer)

3.4 The lower floors have most recently been in use as offices, and retain large open spaces punctuated by cast iron columns, and staircases between the floors. There has been subdivision by partitions and insertion of suspended ceilings in connection with office use. The machinery has gone, but the open spaces, cast iron

columns and layout of the building are a tangible link to its use and the technology use in the construction of the building. The significance of the listed building is as a roller mill of late 19th century date, constructed to the design of a prominent local architect, within historic core of the City of York. Consent has previously been granted for residential conversion of part of the lower floors (15/01892/LBC 15/01891/FULM).

3.5 The current scheme proposes conversion of the remaining office space on the same two floors. Whilst the 2015 conversions have retained important fabric, for example, the floor structure, cast iron columns and brickwork of the buildings envelope, the spacious quality of the internal spaces has been undermined. This spaciousness is in any event less pronounced in the parts of the building included in the current applications due to existing subdivision for office use. With the spacious character lost, and the structural fabric preserved no objection to planning permission and listed building consent being granted.

Flood Risk Management

3.6 With regards to emergency access and egress it is anticipated that Emergency Planning will require a detailed emergency access and egress plan together with details of the proposed temporary ramp from first floor to the Hungate Bridge to include minimum platform level to AOD.

Emergency Planning Officer

3.7 Comments awaited

Public Protection

3.8 No objection subject to conditions regarding hours of construction, and the submission of a construction management plan. In addition In terms of air quality it is noted that no additional car parking spaces are to be provided, with 101 being provided overall. As a result it is not considered necessary to require that electric vehicle charge points be provided. However recommend an informative in relation to provision.

EXTERNAL

Environment Agency (EA)

3.9 The Flood Risk Assessment by Dudleys dated 12 May 2017 ref:17133 REP01(1)REVB has been reviewed. Based on our review, consider that the proposed development will meet the requirements of the National Planning Policy Framework and that planning permission could be granted, subject to a planning

condition being applied to any planning permission granted in relation to floor levels and flood resilience measures as detailed in the FRA..

Foss Internal Drainage Board

3.10 Defer to the opinion of the Flood Risk Management Team.

Crime Prevention Officer

3.11 By reducing the opportunities for crime and anti-social behaviour to occur in accordance with the recommendations, it is considered that residents will be provided with a safe and secure environment to live. This will accord with the core principles and design objectives set out in the National Planning Policy Framework and local policy.

Neighbour notification and publicity

3.12 Twenty letters of objection were received and raise the following points:

- Object to loss of tower door as used regularly and is used as an emergency access by many people including the elderly. Increased safety risk.
- The proposed flat in the tower would only be accessible from the walkway which would present problems in the event of a fire.
- Object to loss of lift
- The development offers no real affordable housing for the area. It looks more like rental and holiday lets. This will mean a drop in the care and respect for the surrounding area and not in the spirit of the Rowntree Foundations conversion which went so far as to not allow rental.
- The city needs affordable office space.
- The properties have no secondary glazing or insulation. Those living in them will have little option to make alterations.
- Some residents work night shifts and need to sleep during the day. Need provision to protect residents whilst work on-going.
- Concern regarding the density of the occupation of the site. Combined with other applications, the situation will be even worse. Should be assessed against the density of population, parking, access and escape and pressure on amenities etc. It appears that family accommodation is needed which this isn't.
- Concern regarding lack of ventilation or natural light due to blocking of window for provision of flats.
- Inappropriate for numbering of new apartments to be finished with letter 'A' because it will lead to confusion over deliveries.
- The rationale behind this proposed change is to enable a small flat to be created, can only be regarded as an overdevelopment of the building. It is entirely wrong

that this should be allowed and goes against the spirit of the nature and style of the original conversion of the building.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of development for housing
- Loss of office accommodation
- Heritage assessment
- Flood Risk
- Neighbour amenity
- Traffic and parking
- Refuse collection
- Crime prevention
- Contributions
- Sustainability

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

4.2 Section 66 Planning (Listed Buildings and Conservation areas) Act 1990 states that in determining planning applications for development which affect a listed building or its setting, the local planning authority shall 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. Section 72 of the same act imposes a general duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The Council's statutory duty under section 66 and 72 gives rise to a strong presumption against planning permission being granted, and considerable importance and weight must be given to any harm, even that harm would be minor.

PLANNING POLICY CONTEXT

National Planning Policy Framework

4.3 The 'tilted' balance in favour of sustainable development is dis-engaged in relation to the consideration of this application because it relates to a listed building within a designated conservation area.

4.4 Section 17 of the NPPF advises that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. Of particular relevance to this application are:

- be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- 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,
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources.
- 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;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Draft 2005 Development Control Local Plan

4.5 There is no formally adopted local plan , however the City of York Draft Local Plan incorporating the Fourth Set of Changes was approved for development management purposes in April 2005. It does not form part of the statutory development plan for the purposes of section 38 (6) of the Act. Its policies are however 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.

Emerging Local Plan

4.6 Consultation on a new pre-publication draft local plan and revised evidence base ended on October 30th 2017. 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 which policies will be limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

Relevant Evidence Base

4.7 The evidence base includes:

- Strategic Housing Land Availability Assessment (SHLAA) (2017)

- Strategic Housing Land Availability Assessment (SHLAA) Annexes (2017) (18.67 MB - PDF)
- Heritage Impact Assessment (2017) (2.36 MB - PDF)
- Heritage Impact Assessment Annexes (2017) (5.61 MB - PDF)

PRINCIPLE OF DEVELOPMENT FOR HOUSING

4.8 The existing use of this part of the building is for office accommodation. At Paragraph 20 the NPPF sets out that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. However at paragraph 22 it advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of sites allocated for employment use being used for that purpose. Policy E3b of the DCLP also seeks to resist the loss of existing employment sites. This is re-affirmed in policy EC3 of the Pre- Publication Draft Plan. In relation to housing, the NPPF states that local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership, and create sustainable, inclusive and mixed communities (paragraphs 50-55).

Paragraph 50 further states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Policy H4 of the DCLP is in general conformity with the NPPF and advises that, housing proposals within the defined settlement limits will generally be acceptable where they involve the conversion of a building. Policies HE2 (Development in Historic Locations), HE3 (Conservation Areas) and HE4 (Listed Buildings) of the DCLP, and emerging plan policies D4 (Conservation Areas) and D5 (listed Building) are applicable. However the impact of the development in relation to the historic environment will be considered later in this report.

4.9 When considering the loss of employment premises, the Council will expect the applicant to demonstrate that there is no demand for such facilities by marketing the property for a reasonable period of time. The Planning Statement submitted with the application states that the majority of the ground and first floor office accommodation was occupied by a company of Solicitors. Once it was apparent that they would be vacating the building, the space was initially marketed informally to general enquirers, and potentially interested parties. The site was formally advertised from February 2017. The total time period for marketing is one year, including a six month formal marketing period. The agents advised that potential occupants considered that the premises were outdated, were split over two floors and the location was perceived as secondary. The offices were categorised as Grade 'B' and therefore not of interest to those wanting Grade 'A' accommodation. Accordingly, no interest in the use of offices was received.

4.10 Whilst no formal comments have been received from the economic development officer, they advised on a previous application on the site:

There are a number of businesses looking for high quality office accommodation in the centre of York. Ideally the space should be retained in office use. The site has been marketed and a few businesses shown around the site without further interest given the quality of the accommodation.

4.11 Accordingly, from an economic perspective, the retention of the employment use is desirable. However, given the level of marketing that has been carried out, the previous approval of the change of office accommodation, and the retention of part of the ground floor of the building for office accommodation for the applicant, it is not considered that a refusal of a change of use could be sustained.

4.12 Weight must also be given to the strong support in the NPPF for the delivery of a wide choice of high quality homes in order to boost supply. The City of York SHMA and Addendum (2016) concludes that demand is particularly high for smaller affordable properties, and in order to meet the demands and expectations of family's larger houses will also be required. The site is in a sustainable location, and in both walking, and cycling distance of shops, services, and employment opportunities. Furthermore there is a wide range of public transport opportunities to access employment further afield.

4.13 The proposed development relates to small units, and in itself will not provide the range of accommodation required by the NPPF or indeed Policy H3 of the DCLP. Nevertheless, it is not considered that the accommodation should all be provided by one application to provide the required diversity. The applicant has advised that the following the development building will include;

Studios 41
1 bed 27
2 bed 49
3 bed 4.

4.14 It is therefore considered that there is a variety of accommodation throughout the building as a whole. In addition, whilst the size of accommodation is at the lower size range, the City of York SHMA and Addendum (2016) demonstrates a need for smaller units, and as such it is not considered that the development is inappropriate, and it broadly complies with the requires of the NPPF, DCLP and emerging plan when they are taken as a whole. Accordingly it is considered that the principle of development is acceptable.

HERITAGE CONSIDERTIONS

4.15 The majority of the alterations will be carried out within the building, and therefore there will be little impact on the character of the Conservation Area. There is a small increase in the size of the refuse store. In accordance with paragraph 128 of the NPPF, the application is accompanied by a heritage statement. Having taken account of the requirements of section 12 of the NPPF however it is considered that change to the refuse area is in keeping with the scale and design of the existing building, and will not harm the character and appearance of the conservation Area.

4.16 In relation to the impact of the development on the significance of the listed building, and in accordance with paragraph 132 of the NPPF, great weight has been given to the conservation of the building and those elements of its significance. The proposal will put the building to a viable use which is consistent with the buildings conservation. The Conservation Officer has taken account of the previous subdivision of the building by partitions and insertion of suspended ceilings in connection with the office use. The machinery has gone, but the open spaces, cast iron columns and layout of the building are a tangible link to its use and the technology used in the construction of the building. The significance of the listed building is as a roller mill of late 19th century date, constructed to the design of a prominent local architect.

4.17 The current scheme proposes conversion of some of remaining office space on the same two floors as residential accommodation that was approved in 2016. The 2015 conversions have retained important historic fabric within the building, such as the floor structure, cast iron columns and brickwork of the buildings envelope. The existing spaciousness within the building is less pronounced in the parts of the building subject to the current applications. This is due to the existing subdivision that was carried out for the office use. The greater sub division of the building will result in some harm, however with the retention of the historic fabric, and given the existing subdivision that has occurred, the harm is considered to be at the lower end of less than substantial. The reduction in the number of units being created has further reduced the level of harm identified.

4.18 The Strategic Housing Land Availability Assessment (SHLAA) (2017) is part of the evidence base for the emerging local plan. Whilst it does not carry much weight at this stage, it demonstrates the need for residential accommodation within the city. The site is located in a very sustainable location, with good access by foot, cycle or public transport to services, shops and employment opportunities. In view of this it is considered that the delivery of 13 dwellings in the manner proposed would create a significant public benefit, and will put the building to a use that is consistent with its conservation. In view of this, it is considered that the public benefits, outweigh the limited harm identified in accordance with paragraph 134 of the NPPF.

FLOOD RISK

4.19 The application site lies adjacent to the River Foss, and is located within flood zone 3a. The site is therefore considered to be at high risk of flooding. Paragraphs 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. However at paragraph 104, it further states that applications for minor development and changes of use should not be subject to sequential or exception tests, but should still meet the requirements for site-specific flood risk assessments.

4.20 The flood risk and mitigation were approved as part of the previous application 15/01891/FULM. However the application is accompanied by an up to date Flood risk Assessment that, (in accordance with the NPPG), provides information on sources of flood risk, historic flood data, emergency escape routes and recommended flood resilience measures. This states that the apartments will be safe from flooding as the existing ground level will be raised to 10.61 AOD, and furthermore, the development will not increase the risk of flooding elsewhere because the footprint of the building will not change. The proposal includes flood resilience measures such as raising the height of gas meters, electric boxes and sockets. Communication wiring will be encased in sealed ducts.

4.21 The planning application approved in December 2016 (15/01891/FULM) approved the provision of a means of escape for residents on the eastern elevation of the car park. This is provided by a retractable escape stairway to the bridge across the river. It will be employed in times of flood risk.

4.22 It is considered that the principle of the extended residential use of this building in flood zone 3a was accepted when application 15/01891/FULM was approved. It is therefore considered that subject to conditions requiring the implementation of flood resilience measures and the flood evacuation plan, (including the flood escape stairway), the application accords with the requirements of section 10 of the NPPF - Meeting the challenge of climate change, flooding and coastal change, together with the technical guidance in the NPPG. The Lead Flood Management Team has advised that they accept the recommended Environment Agency condition within their response dated 6th September 2017. It is recommended however a condition be imposed requiring implementation of the previously approved emergency access and egress to include minimum platform level to AOD.

NEIGHBOUR AMENITY

4.23 The proposed 14 additional residential apartments will result in a greater intensification of the residential use of the building. The comings and goings

associated with more studio and one bedroom accommodation can be greater than may occur from a reduced number of larger flats. Nevertheless, it is considered that the layout of the accommodation within the building is acceptable and will not result in a significant adverse impact on the existing amenities of neighbouring occupiers. Whilst entry and exit from the flats is along a long corridor past other flats, the single or two person occupancy of each flat is such that there is less potential for the level of noise that may occur for example if groups sharing a large unit are exiting or leaving at night time. Comments made on previous applications at the time referred to an impact on resident's amenity due to the comings and goings along the walkway past their windows. Nevertheless, it is considered that this is something that is commonplace within cities, and is not dissimilar to pedestrians walking along footways in close proximity to windows of houses that directly face a street. The applicant has demonstrated that the refuse storage and cycle provision is acceptable, and the flood resilient measures will equally apply to the increase in number of residents.

4.24 A significant number of objections were received in relation to the application as submitted. This is because the plans omitted access to an existing door from the building onto the original bridge from the building. This was an error that was subsequently corrected by the submitted revised plans. Furthermore, written confirmation has been received from the applicant that the lift and door will be retained.

RESIDENTIAL AMENITY

4.25 One of the core principles of the NPPF requires development to provide a good standard of amenity for all existing and future occupants of land and buildings. Concern has been raised regarding that the accommodation is very small and intensive. There is no doubt that the smallest unit at 26.83m is at the lower limits of what might provide an acceptable level of amenity for occupants. Nevertheless all the flats provide kitchen, bathroom and a small seating area, although potential storage space is very limited. It is considered that it will provide a step on the housing ladder, or much needed rental accommodation. It is also understood, that due to locational factors, some accommodation is utilised by those working in the city during the week. As such the development fulfils a need in the housing market. It is also considered that the outlook that faces onto the river result in a more open aspect than would occur in a site that is more constrained. It is of relevance that there is not an adopted development plan policy that includes space standards.

DESIGNING OUT CRIME

4.26 The Police Designing Out Crime Officer has carried out an analysis of police recorded incidents within a 200m radius of the proposed development. In summary, there were 158 crimes and 163 anti-social behaviour incidents recorded during this twelve month period, with theft in general and cycle theft in particular, burglary and

criminal damage being the most significant issues. Crime and anti-social behaviour levels within the vicinity of the proposal can be described as high.

4.27 In order to protect the occupants from broken glass and from 'smash and grab' style burglary, the window glazing on the first floor that fronts onto the public cantilevered walkway is to be fitted with clear safety film to internal panes to an appropriate standard. In addition, the Designing Out Crime Officer has advised that the proposed development should be incorporated into the same CCTV and lighting schemes as previously approved (reference - 15/01891/FUL). Furthermore, the proposed cycle storage should be totally enclosed and have self-closing automatic locking doors with fob release/access.

4.28 It is noted that the proposed 29 allocated car parking spaces within the adjacent multi-storey car park are shared with the extant consent for 34 residential units mentioned above. In order to avoid conflict and confrontation, parking spaces for the residents of the proposed development be specifically and clearly allocated.

4.29 By reducing the opportunities for crime and anti-social behaviour to occur in accordance with the recommendations detailed above, it is considered that residents will be provided with a safe and secure environment to live. This will accord with the core principles and design objectives set out in the National Planning Policy Framework and local policy.

TRAFFIC AND PARKING

4.30 There are 29 car parking spaces available in the adjacent (attached) multi storey car park which will serve the proposed application, together with that for the previously approved 34 units. As such they will serve all the accommodation to ground and first floors. However the site is located in a very sustainable location, within walking and cycling of services and shops. Furthermore frequent bus and train access is within walking distance of the site, giving access to nearby employment opportunities and also those further afield. Additional cycle spaces are also to be provided within the existing car park and the total provision will ensure a minimum of one secure/covered cycle space/ per flat. Given the sustainable location, it is not considered that a lack of car parking is a sustainable reason for refusal.

REFUSE COLLECTION

4.31 The consideration of application 15/01891/FULM approved the relocation of refuse storage to the rear of the cycle store. The refuse strategy on that application agreed that weekly refuse collections would provide sufficient capacity. It is proposed to extend the area slightly to provide space for a further 2 no 1,100l bins. Additional bins will be located in the existing recycling store which will again provide

suitable capacity for the whole development based on weekly collection previously approved.

SUSTAINABILITY

4.32 The sustainability of the development and its principles are in line with CYC guidelines. The site benefits from good routes for cars, bicycles and pedestrians and the proximity of frequent bus and train services allows easy public transport access to the wider area. The proposal addresses the local residential need by providing a type of quality home with a mix of sizes with a proven requirement and high demand and the design is intended to enhance the character of the town and promote a feeling of community and security. The lighting will be fitted with low energy bulbs, and high efficiency white goods and boilers will be specified throughout. During the alterations, materials will be sourced locally where possible, and the construction teams will use the local facilities and contribute to the local economy. The internal layouts have been designed as far as possible to take advantage of the natural lighting arrangement to the habitable rooms as presented.

AFFORDABLE HOUSING

4.33 The development is subject to the Vacant Building Credit that allows vacant floor space in an existing building to be converted to residential use without the requirement for affordable housing.

CONTRIBUTIONS

4.34 No S106 Education Contribution is required because all the units will be one bed flats. No open space contribution is required as more than five contributions have been sought towards open space within the area. Restrictions on the pooling of s.106 planning obligations under regulation 123 of the amended Community Infrastructure Regulation 2014 means that no more contributions may be collected in respect of a specific infrastructure project or type of infrastructure through a section 106 agreement, if five or more obligations for that type of project have already been entered into since April 2010.

OTHER MATERIAL CONSIDERATIONS

4.35 The plans include the loss of a metal staircase to facilitate the provision of flat 23. It is not considered that this will result in any harm to amenity. In addition the applicant has advised that it is not required as a fire exit. The (secondary) stair only served the first floor Office space (entrance to these office suites were via the door at GF). This stair was retained as part of the original application (for 34 units) and for the additional 5 units, as it provided a means of escape to those apartments at that end of the building. This stair can be omitted from the current application as it is proposed to convert the whole of the first floor into residential use. Therefore the

corridor will run full length of the building and provide access to the exit/stair at the western end of the building exactly as happens on the upper floors. In so doing this renders the secondary stair redundant and can therefore be removed.

5.0 CONCLUSION

5.1 In considering the planning balance, as some harm is identified to the significance of the listed building, the more restrictive policies in the NPPF relating to conservation of heritage assets apply, rather than the "tilted balance" in favour of sustainable development in paragraph 14 of the NPPF. In the planning balance, Rowntree Wharf is sustainably located close to the city centre. Whilst Policy E3b (Existing and Proposed Employment Sites) of the DCLP seeks to resist the loss of existing employment sites and retain them within their current use class' the building has been marketed for six months, with no demand demonstrated for the building. In addition the principle of providing new housing in this location is considered to be acceptable and to accord with NPPF policy which seeks to boost significantly the supply of housing. Furthermore, the revised plans to reduce the numbers will result in the retention of an area of offices to be occupied by the applicant.

5.2 It is not considered that the development will harm the significance of the Conservation Area. Limited harm has been identified in relation to the significance of the listed building, even taking account of the requirements of paragraph 66 of the Planning (listed building and Conservation Area) Act 1990, it is considered that the public benefits of delivering additional residential accommodation, and securing an optimum viable use for the building, the proposal outweigh the harm identified. This is in accordance with the requirements of paragraph 134 of the NPPF.

5.3 The parking, residential amenity and flood risk implications of the scheme are acceptable when considered in the context of NPPF policy and subject to appropriate conditions. It is not considered that there are any material considerations that would outweigh the general support for the delivery of additional housing in a sustainable location, and the recommendation is one of approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

TCA-288-005 2001 REV A Ground Floor

TCA-288-005 2001 REV A First Floor

TCA-288-005 2021 Car parking

Application Reference Number: 17/01905/FULM

Item No: 3d

TCA-288-005 2040 Sections

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

3 All construction and demolition works and ancillary operations, including deliveries to, and dispatch from the site, shall be confined to the following hours:

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of existing residents within the building.

4 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles,) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Dudleys dated 12 May 2017 ref:17133 REP01(1)REVB and the following mitigation measures detailed within the FRA:

*Finished floor levels are set no lower than 10.61m above Ordnance Datum (AOD).

*Provision of flood proofing / resilience measures as detailed within the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

6 The scheme for on - site refuse and re-cycling storage shown on the approved plans, and detailed in relation to application AOD/17/00005 including weekly refuse collections, shall be implemented in accordance with the approved details before any dwelling is occupied and shall continue to operate in accordance with the scheme for the life time of the development unless otherwise approved in writing with the Local Planning Authority.

Reason: In the interests of the residential and visual amenity of the site and area to accord with paragraph 17 of the National Planning policy framework.

NB: In accordance with the information submitted with the application in order for the scheme to provide sufficient storage for refuse a weekly collection of waste is agreed.

7 The development hereby approved shall not be occupied until the following crime prevention measures have been carried out in accordance with details that have first been submitted to, and approved in writing by the Local Planning Authority. The details shall include:

- Specific allocation of parking spaces for the residents of the proposed development .
- Access to cycle store to be secure and accessed by fob.
- The proposed development should be incorporated into the same CCTV and lighting schemes as previously approved (reference - 15/01891/FUL).
- Provision of clear film on windows in accordance with the details previously in relation to application reference -15/01891/FUL.

Reason In the interests of crime prevention

8 The existing lift at the western end of the building, together with the door that provides access to the bridge at this end of the building shall be retained for use by existing and proposed residents. Details of any revision to the access, including during the construction period shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of existing and future occupiers.

9 Unless otherwise agreed in writing by the Local Planning Authority, the development shall not be occupied until the flood evacuation measures, including the provision of the escape stair, approved under application 15/01891/FULM and detailed in AOD/17/00005, have been implemented on site.

Reason: In the interests of safe access and egress.

10 Prior to the commencement of that part of the works on site, precise details of the railing/close boarding to provide the extension to the refuse area, shall be submitted to, and approved in writing by the Local Planning Authority.

Reason; In the interests of preserving the character of the Conservation area.

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:

Revised plans to show retention of access at western extent of building.

2. ELECTRIC VEHICLE CHARGING POINTS

It is recommended that two electric vehicle recharge points, serving two dedicated car parking bays, are installed. The bays should be marked out for the exclusive use of electric vehicles. In addition, to prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the Local Planning Authority.

3. INFORMATIVE:

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

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