

COMMITTEE REPORT

Date: 15 November 2023 **Ward:** Holgate
Team: West Area **Parish:** Holgate Planning Panel
Reference: 23/01114/GRG3
Application at: St Pauls Nursery School 12 St Pauls Square York YO24 4BD
For: Erection of annex following demolition of existing building, access alterations to front and internal alterations to nursery building.
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 17 November 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 St Paul's Nursery, St Paul's Square comprises a Grade II Listed brick built terraced property dating to the early 19th Century set around a tree lined square to the west of the City Centre. The application site is within the St Paul's Square/Holgate Road Conservation Area. Planning permission and a parallel Listed Building Consent (ref: 23/01129/LBC) are sought for the demolition of an existing single storey block work extension and the erection of a replacement single storey annex with a series of internal alterations, a reconfigured access and the provision of a rear fire escape stair serving the kitchen and dining area. The new provision is designed to provide specialist accommodation for children with autism.

1.2 The proposal has been amended since submission to address Conservation concerns.

1.3 The application is reported to the Planning Committee under Art.13 5.1 f. of the Constitution because it is made by CYC, and an objection has been received.

2.0 POLICY CONTEXT

2.1 Draft City of York Local Plan (2018) Policies:

- ED6 Pre School, Primary and Secondary Education
- D4 Conservation Areas
- D5 Listed Buildings
- ENV2 Managing Environmental Quality
- GI4 Trees and Hedgerows

- CC2 Sustainable Design and Construction of New Development

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Conservation)

3.1 Any comments will be reported verbally.

Design, Conservation and Sustainable Development (Landscape Architect)

3.2 Raise no objection to the proposal in principle with two of the three trees to be lost seen to be of poor health and poor townscape value within the arboricultural survey. The third tree to be lost which is a flowering cherry should be replaced by an alternative elsewhere in the site. Any permission should be conditioned to require an arboricultural method statement with a tree protection plan and working method statement.

Design, Conservation and Sustainable Development (Ecology)

3.3 Raise no objection to the proposal on the basis that the proposed green roof would enhance the biodiversity value of the site. Suggestions in respect of further biodiversity enhancements are offered by way of informative to any permission in addition to an in respect of breeding birds.

EXTERNAL

Holgate Planning Panel

3.4 No representations received.

4.0 REPRESENTATIONS

4.1 Six letters of representation have been received, two of which are from the same individuals raising the following issues:

- Objection to building on unregistered land which is claimed by an adjoining property who made the objection
- Support for the proposed extension in principle
- Concern about the routing of construction traffic and the potential harm to residential amenity arising from it

- Concern that the proposed green roof for the annex and fire escape stair could be a target of anti-social behaviour
- Concern at the loss of availability to park in front of the site for the duration of the build
- Concern that the rear back lane access could instead be used for deliveries which could improve its treatment and reduce instances of fly tipping
- Concern about the loss of external play space for children
- Concern that all construction related traffic should park at the nearby site of “Holgate Dock”.
- Concern at the impact of the proposed design upon the character and appearance of the St Paul’s Square/Holgate Road Conservation Area in terms of the scheme as originally submitted
- Concern in respect of the impact of the proposed extension design upon the setting of the existing Listed Building in terms of the scheme as originally submitted
- Objection to the over-complicated palette of materials in respect of the scheme as originally submitted
- Concern that any asbestos within the existing extension will be safely disposed of.
- Concern at the potential for impact upon the amenity of neighbouring properties from construction related ground works.

5.0 APPRAISAL

5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the Development
- Character and Appearance of the Conservation Area
- Setting of the Host Listed Building
- Residential Amenity of Neighbouring Properties
- Trees of Townscape Importance
- Sustainable Construction

NATIONAL PLANNING POLICY FRAMEWORK

5.2 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

LOCAL PLAN

5.3 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in the first quarter of 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

PRINCIPLE OF THE DEVELOPMENT

5.4 Central Government Planning Policy as outlined in paragraph 95 of the NPPF indicates that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting the requirement for additional school places. Great weight should be afforded the need to expand, alter or create schools through planning decisions. At the same time Policy ED6 of the 2018 Draft Local Plan indicates that new or enhanced educational facilities will be supported providing they are accessible by sustainable means from the communities they are intended to serve, and they do not have an unacceptable impact upon the amenities of neighbouring properties.

5.5 St Paul's Nursery is the only non-privately operated nursery school facility within the City having been gifted by the Joseph Rowntree Trust to a predecessor authority in the 1940s as a nursery subject to a restrictive covenant. The Nursery has a capacity of 60 children and has 77 on role, 16 of the children have special requirements in terms of autism and the nursery provides a specialist facility designed to address their needs. This is currently housed in the existing extension which was erected in the late 1940s as a temporary building and is in poor structural repair. At the same time the school dining and food preparation area is on the upper floor of the main building without an adequate means of escape in the event of fire.

5.6 The proposal seeks permission to provide a separate reception area for the facility together with a sensory room, a speech development room and two teaching areas. A self-contained outdoor play area would also be provided. In terms of the fire escape provision an existing window in the kitchen area would be widened to provide access to a new fire escape stair down the rear wall of the building with a separate fire escape from the dining area leading on to the rear of the roof of the new extension leading to a separate escape stair to the hard play area.

5.7 The proposal is intended to remedy an identified deficiency in existing capacity rather than to provide additional by providing modern purpose-built accommodation. As such the proposal is felt to comply with the requirements of Policy ED6 of the 2018 Draft Local Plan and paragraph 95 of the NPPF.

THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

5.8 Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory duty must be given considerable importance and weight when carrying out the balancing exercise.

5.9 In addition to the statutory duty, Central Government Planning Policy as outlined in section 16 of the National Planning Policy Framework is also to be applied, notably paragraphs 199 to 202. The NPPF classifies listed buildings and Conservation Areas as "designated heritage assets". The NPPF advises on heritage assets as follows:

- Paragraph 199 advises that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be" ... "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."
- Paragraph 202 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."

5.10 ASSET SIGNIFICANCE: St Paul's Square/Holgate Road Conservation Area comprises a ribbon of villas and other smaller properties set within modest grounds lining one of the principal approaches to the City Centre dating to the early 19th Century. To the rear lies St Paul's Square comprising a formal terraced square development centred on a green space dating to the early 19th Century. Properties are a mix of simple Neo-Classical designs in a mid-red brick with Welsh slate roofs set below a low parapet.

5.11 THE PROPOSAL: The proposal envisages the demolition of the existing temporary block work extension dating to the late 1940s with a later extension and its replacement with a single storey brick and timber clad extension with a glazed link to the existing building with a standing seam profiled metal roof to the street elevation and a flat "green" roof allowing for an emergency escape area from the dining area in the main building to the rear. Within the main building two cupboard spaces would be converted into resource areas, an additional partition wall would be provided in the reception area and fire escapes would separately be provided to the kitchen and dining area to the rear. The existing porch would be demolished and a platform lift, a disabled access ramp and a pram and push chair store would be

provided on the site. The new extension would be provided with a separate reception area.

5.12 ASSESSMENT OF IMPACT: The proposal seeks to replace an existing block work and asbestos roofed structure set within a former side garden area associated with the building. It also seeks the removal of a crude brick mono pitch roofed porch from the frontage and the replacement with a low-level disabled access ramp of simple design with a low-level pram and push chair store with a platform lift to access the reception area to the main building. To the rear an existing window at the upper-level kitchen would be replaced by a door giving on to a fire escape which would be of a wrought iron utilitarian design.

5.13 The existing block work and asbestos roofed extension was erected as a temporary structure in the late 1940s with a further flat roof extension in the late 1960s. It is in poor structural condition with problems of ventilation and damp which leads to a sub-standard teaching environment. The building is a detractor to both the Conservation Area and the setting of the Listed Building appearing jarringly out of character with the remainder of the site and the wider surroundings of the Square. Its demolition would enhance the character and appearance of the Conservation Area as well as safeguarding the setting of the host Listed Building.

5.14 The proposed building would be set back from the existing building frontage and further set back from the line of the previous extension by approximately 1 metre. The use of a further recessed glazed link extension connecting with the host building would identify the building as being clearly separate from and subservient to the original structure. Objection was expressed to the scheme as originally submitted due to its sharply contemporary design with the use of curtain wall cladding and a clerestory roof. The revised design makes a greater use of brick work to match the existing building with some timber feature cladding and a dark coloured standing seam metal roof. To the rear there would be a timber framed roofed outdoor play area, a full height glazed clad central section with the remainder clad in brick apart from a central section surrounded by timber with the fire escape stair cantilevered into the rear play area. A flat roof is adopted to the rear to provide an emergency escape area from the upper floor dining area.

5.15 The design principle has been chosen to establish the extension as something clearly in institutional use in an otherwise residential area. It also clearly sets out to be different to the character and texture of the host building whilst at the same time respecting it. The roof form if not the material reflects that characteristic of the wider area whilst the brick chosen pays reference to the host building. The use of a cedar type timber cladding and structural glazing set points of difference. The character of the rear of the site is rather different with the building overlooking the rear play area of St Paul's Primary School and more formal and institutional in character. The use of a flat roof form and glazed and timber cladding would appear less alien with the site largely enclosed in short and middle-distance views.

5.16 In terms of paragraph 202 of the NPPF it is felt that the proposal would give rise to less than substantial harm, towards the lower end of the scale, to the character and appearance of the Conservation Area particularly in terms of the introduction of non-standard materials and forms to the site frontage only partially offset by the degree to which it is set back from that frontage. The removal of the existing porch would provide a positive benefit to the wider significance of the Conservation Area as would the removal of the existing temporary building. That sets up a need to weigh this harm against the public benefits of the proposal. In this case the provision of a modern facility catering for the needs of autistic pupils together with appropriate fire escape provision in respect of the existing building is felt to amount to an appropriate public benefit which would outweigh the harms in the planning balance.

SETTING OF THE HOST LISTED BUILDING

5.17 Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting and any special historic or architectural features it possesses. This statutory duty must be given considerable importance and weight in determining the planning application.

5.18 ASSET SIGNIFICANCE: The host property is a former double fronted villa constructed in the 1840s along with the remainder of the St Paul's Square development in a simple Neo-Classical style. The building along with its neighbours is Listed Grade II for group value.

5.19 ASSESSMENT OF IMPACT: The site of the proposed extension lies in what was the former substantial side garden of the property illustrated on early maps of the area. The existing late 1940s extension with its utilitarian pattern of fenestration and monotonous block work walls detracts from the setting of the host building and its opposite neighbour. Its removal would serve to enhance the setting of the host building. The proposed replacement extension is set back further into the site and uses forms and some of the materials present in the wider area. This is at the same time as creating something distinct from the host building.

5.20 In terms of assessing impact upon the setting of the Listed Building it is felt that the proposal as amended would again give rise to less than substantial harm towards the lower end of the scale. The new extension would be undeniably in institutional use with a flat roof form to the rear with timber cladding and structural glazing creating a pattern of fenestration alien to the wider area. The fire escape works whilst contained within the rear of the site would also be institutional in character. The removal of the existing crude 1970s porch and the proposed access works would create a positive benefit in terms of the appearance of the site frontage.

5.21 Some significant public benefits may be identified for the proposal as amended. These include the removal of the existing detracting 1940s temporary building and the provision of a purpose-built teaching facility for young children which is not available elsewhere. The wider works including the provision of fire escapes from both pupil dining and kitchen areas would also help secure the long-term future of the building as a nursery for which it was gifted to the City in the 1940s. It is felt that the provision of the purpose-built teaching accommodation for autistic children should be afforded substantial weight in the planning balance. The removal of the existing temporary building and porch in view of the degree to which the site would be enhanced should similarly be afforded substantial weight. The effect of the other wider site works including the provision of fire escapes should be afforded moderate weight. In conclusion it is felt that the public benefits outweigh the harms identified.

RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

5.22 Central Government Planning Policy as outlined in paragraph 130f) of the NPPF indicates that planning decisions should create communities with a high standard of amenity for all existing and future users. At the same time Policy ENV2 of the 2018 Draft Local Plan indicates that development proposals for uses likely to have an environmental impact upon the amenity of the surrounding area including residential amenity, local character and distinctiveness should be accompanied by evidence that the impacts have been evaluated and that the proposal would not result in any loss of character or amenity.

5.23 The application site largely comprises a former side and rear garden which is partially walled to the back lane to the east. The surrounding area comprises a series of Late Georgian villas with small open front gardens and long narrow rear gardens partially sheltered by substantial brick boundary walls. The closest property to the northeast lies approximately 20 metres distant across a substantial partially walled side garden. The site is open to the southeast towards St Paul's Primary School. The property directly adjacent to the southwest would be largely sheltered by the boundary wall and the bulk of the existing building. The operational management of the site post development would remain largely unchanged, and it is felt that the degree of disturbance from construction activities given the layout of the site would be modest.

5.24 Concern has been expressed by neighbours in respect of the arrangements for demolition of the existing extension and construction of the replacement, specifically in respect of associated deliveries and parking of associated traffic. A suggestion has been made in respect of the potential for usage of the rear back lane accessed from Enfield Crescent from where there is a side access into the school rather than the main St Paul's Square frontage. Reference is also made to the existing usage of the back lane by refuse vehicles. The back lane however narrows significantly on approach to the school, there is no meaningful turning area and visibility for vehicles is poor. There is no turning space and the access into the site is a small pedestrian

gate at the head of a steep sharply angled path. It would therefore be physically extremely difficult to deliver materials safely through that location and would be more harmful to the amenity of neighbouring properties than the proposed location.

5.25 Concern has also been expressed by neighbours that the rear flat roofed element of the extension could be used as a focus for anti-social behaviour during periods when the school is closed to the detriment of the amenity of neighbouring properties. The rear flat roofed element of the extension is however designed to provide a safe means of escape from the site for users in the event of fire or other emergency to an extent that doesn't exist now. The design as amended with a false pitched roof in a standing seam metal would make access to the rear difficult in any case.

5.26 Neighbours have expressed concern in terms of the safe disposal of asbestos within the existing extension to be demolished given its age and structural condition. The disposal of asbestos is subject to a separate formal system of control and is not a material consideration in respect of the current proposal.

5.27 It is felt that the proposal would not result in any material harm to the residential amenity of neighbouring properties and that the requirements of paragraph 130f) of the NPPF and Policy ENV2 of the 2018 Draft Local Plan would be complied with.

ROUTING OF CONSTRUCTION TRAFFIC

5.28 Central Government Planning Policy as outlined in paragraph 111 of the NPPF indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts upon the road network would be severe. At the same time Policy T1 of the 2018 Draft Local Plan indicates that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it.

5.29 The application site sits in a densely developed area within a residential square with on street parking by means of residents' permit but without reserved spaces. This leads to some neighbouring residents and associated visitors parking outside of the school site particularly when the school is closed. It is envisaged that for the duration of the construction process parking outside of the school site would be restricted to allow for free access to construction traffic and associated deliveries. That would result in the temporary suspension of three spaces. This would last for the duration of the construction process which would last approximately 9 months. In view of the restricted area involved the level of displaced parking would be relatively modest and it is felt that for the duration of the work any harm caused would be acceptable.

TREES OF TOWNSCAPE IMPORTANCE

5.30 The application site, which comprises a former garden retains a number of semi mature and mature trees surviving from that use which contribute towards the wider significance of the Conservation Area as well as enhancing the character of the site itself. The application has been accompanied by a detailed arboricultural survey and tree constraints plan. Two trees of particular significance are identified a sycamore within the main play area to the rear which would be retained along with a cotoneaster and a flowering cherry to the rear of the existing extension which would be lost through the proposed works. Each of the trees is identified by the survey as being in fair to good condition and as being of some townscape significance.

5.31 In view of the nature of what is proposed and a degree of previous harm to the defined root protection area of the sycamore it is recommended that any planning permission be conditioned to require the submission and prior approval of arboricultural method statement to ensure that the tree can be retained during construction work and remain part of the external teaching environment. The flowering cherry is due to be lost with the proposed works but in view of its health and wider townscape importance it is recommended that appropriate replacement planting be undertaken and that any planning permission be conditioned accordingly.

SUSTAINABLE CONSTRUCTION

5.32 Policy CC2 (as revised) of the 2018 Draft Local Plan indicates that for new non-residential buildings in excess of 100 square metres there is a requirement for a 28% reduction in carbon emissions over and above the requirements of the 2013 Building Regulations. In terms of sustainability, it is proposed to use a “green roof” system for those areas of flat roof to the rear of the site not to be used as part of the fire escape route. At the same time, it is proposed to minimise energy usage by designing the new extension to conserve energy on a “fabric first” basis. The proposed palette of materials has also in part been selected as being sustainable. In line with other institutional buildings, it would be required to demonstrate a BREEAM standard of Excellent and that could be secured by condition as part of any planning permission. The requirement for a 28% carbon reduction which applies may also be secured by condition as part of any planning permission.

5.33 In view of the nature of the site and its surroundings a preliminary ecological survey has been submitted with the proposal. This identifies that a survey has been undertaken to locate evidence of bat presence within the structure to be demolished and its immediate surroundings. None was however identified. The design of the temporary building is also not suitable for bat roosting with a shallow pitch and flat roof giving directly on to the underlying ceiling with no intermediate roof space.

OTHER ISSUES

5.34 Concern has been raised by objectors that the proposed works would lead to a reduction in outdoor play space for school pupils. The proposal creates an opportunity to reconfigure and modernise the outdoor play area for pupils and it is felt that no material harm would result.

5.35 Objection has been made by the occupier of adjoining property to construction work on unregistered land which they themselves lay claim to. Land ownership disputes are not generally material planning considerations. In this case a narrow strip of between 1 and 1.5 metres wide runs along the outside of the existing extension to be demolished which has not been formally registered. It forms a residual section of what was before World War II a roadway the majority of which was subsequently absorbed into a neighbouring garden. It is not proposed to erect any of the proposed extension or to undertake any works on the land.

6.0 CONCLUSION

6.1 The proposal seeks permission for the erection of a replacement extension to provide a specialist teaching facility for younger children with autism when there is a significant lack of such specialist provision within the City as a whole. Considerable importance and weight are given to the identified harms to the designated heritage assets. However, there are significant public benefits arising from the proposal including the demolition of the existing building which is a notable detractor to the visual appearance of the wider area and more notably the provision of up-to-date provision for pupils with autism not available elsewhere. It is considered that the less than substantial harm to the character and appearance of the Conservation Area and to the setting of the host Listed Building caused by the proposal are outweighed by the public benefits. At the same time, it is felt that the short-term harms caused by the construction process may be effectively managed. In the planning balance the proposal is felt to be acceptable, and approval is recommended.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs: 1805.1 TREE CONSTRAINTS PLAN
230003.02A SITE BLOCK PLAN
230003.04A PROPOSED SITE PLAN
230003.07A PROPOSED GROUND FLOOR PLAN
230003.08A PROPOSED FIRST FLOOR PLAN

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230003.10A PROPOSED ELEVATIONS
230003.12A PROPOSED ROOF PLAN
230003.13 SITE LOCATION AND CONTRACTORS COMPOUND

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 the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices sample materials should 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 and to safeguard the character and appearance of the St Paul's Square/Holgate Road Conservation Area.

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 the commencement of building works beyond foundation level. 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 Before the commencement of development (including any excavations e.g., for related utilities), a complete and detailed Arboricultural Method Statement (AMS) and a corresponding Tree Protection Plan (TPP) regarding protection measures for existing trees within and adjacent to the application site shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information, this statement shall include details and locations of protective fencing, phasing of protection measures, ground protection, a schedule of tree works if applicable, site rules and prohibitions,

specialist installation and construction techniques, parking arrangements for site vehicles, locations for stored materials, and means of moving materials around the site, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details where a change in surface material and edging is proposed within the root protection area of existing trees.

The document shall include a scheme of arboricultural supervision to ensure that a suitably qualified arboriculture consultant shall supervise site investigations, and specialist excavations, installation and construction techniques where these are located within the recommended root protection areas of the existing trees shown to be retained on the approved plans. Before works start on site, the contact details of the appointed arboriculture consultant shall be submitted in writing to the local planning authority.

The content of the approved document shall be strictly adhered to throughout development operations. A copy of the document will be available for reference and inspection on site at all times.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process to protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

6 Prior to the commencement of development beyond foundation level details of replacement tree planting for the cherry tree to be lost through the proposed works shall be submitted to and approved in writing by the Local Planning Authority. The planting thereby authorised shall thenceforth be undertaken in the first planting season following on from substantive completion of the development. In the event that the tree thus planted shall die, become diseased or in any other way within 15 years following on from completion of planting then it shall be replaced with a suitable similar specimen to the satisfaction of the Local Planning Authority.

Reason: To safeguard the character and appearance of the St Paul's Square/Holgate Road Conservation Area.

7 The nursery school development hereby permitted shall achieve a BREEAM rating of at least excellent.

A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate submitted to the Local Planning Authority within 12 months of first use (unless otherwise agreed). Should the development fail to

achieve an 'Excellent' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'Excellent' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

8 Large scale details 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.

i) Sections at 1:20 of the connection of the glazed link to the host Listed Building.

ii) Details of the mode of fixing of the fire escape stair and associated iron railing to the rear wall of the host building

iii) Sections at 1:20 through the window panels with associated cladding on the St Paul's Square Street Elevation

iv) Sections at 1:20 through the open sided timber canopy to the rear of the site

v) Sections at 1:20 through the full height structural glazing to the rear of the site

vi) Sections at 1:20 through the roof level balustrade to the flat roof section to the rear of the site

Reason: So that the Local Planning Authority may be satisfied with these details.

9 Unless otherwise approved in writing by the Local Planning Authority the development hereby approved shall achieve a 28% carbon emissions reduction when compared to the Target Energy Rating (TER) in the 2013 Building Regulations Prior to above ground construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

10 The external staircases hereby authorised shall be used solely for the purposes of emergency access and egress from the building and the flat roof areas of the extension shall not be used as a roof terrace.

Reason: To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy ENV2 of the 2018 Draft City of York Local Plan

8.0 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 (paragraph 38) 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 to amend the design of the scheme to simplify its form and to reduce harm to the setting of the host Listed Building and the character and appearance of the St Paul's Square/Holgate Road Conservation Area
- ii) Sought clarification of the proposed arrangements in respect of the Construction Site compound for the development.

2. DEMOLITION AND CONSTRUCTION:

All demolition and construction work 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 and Bank Holidays.

The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.

https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites

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 manufacturer's instructions.

There shall be no bonfires on the site.

3. NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess nesting bird activity.

4. HABITAT ENHANCEMENTS

Although the application site is relatively small in scale, a few additional enhancements would be of great benefit to local wildlife, for example:

Bat boxes suitable for crevice dwelling species – on buildings:

https://www.schwegler-natur.de/portfolio_1395072079/fledermaus-wandschale-2fe/?lang=en

Bat boxes – on trees: https://www.schwegler-natur.de/portfolio_1395072079/fledermaushoehle-2f/?lang=en

Sparrow terraces (boxes) – on buildings/integrated: https://www.schwegler-natur.de/portfolio_1408366639/sperlingskoloniehaus-1sp/?lang=en

General bird nesting box – on trees: https://www.schwegler-natur.de/portfolio_1408366639/nisthoehle-1b/?lang=en

General bird nesting box (predator protection) – on trees: https://www.schwegler-natur.de/portfolio_1408366639/nisthoehle-2gr-oval/?lang=en

As a general rule, bird boxes should be installed on northern elevations to avoid over-heating in summer, and bat boxes should be installed on southern, south-western and south-eastern elevations to be warmed by the sun. Bird and bat boxes

should not be installed over windows and doors, to reduce problems caused by droppings, and should not be exposed to artificial external lighting.

Small areas of planting and 'build-your-own' features can also be of great benefit to wildlife, further information is available from sources such as the Wildlife Trust:

Planting for butterflies: <https://www.wildlifetrusts.org/actions/how-attract-butterflies-your-garden>

Planting for night-flying wildlife: <https://www.wildlifetrusts.org/actions/how-attract-moths-and-bats-your-garden>

Container planting: <https://www.wildlifetrusts.org/actions/how-create-container-garden-wildlife>

Bird feeders: <https://www.wildlifetrusts.org/actions/how-feed-birds-your-garden>

Build your own bird box: <https://www.wildlifetrusts.org/actions/how-build-bird-box>

Build your own Hedgehog house: <https://www.wildlifetrusts.org/actions/how-build-hedgehog-home>

Build your own insect hotel: <https://www.wildlifetrusts.org/actions/how-build-bug-mansion>

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