

## COMMITTEE REPORT

**Date:** 4 June 2015                      **Ward:** Micklegate  
**Team:** Major and                      **Parish:** Micklegate Planning  
                Commercial Team                      Panel

**Reference:** 15/00456/FULM  
**Application at:** Factory Bishopthorpe Road York YO23 1NA  
**For:** Conversion of multi-storey factory to a maximum 173no. residential apartments and ground floor retail unit; erection of additional roof storey and balconies to southern elevation; public open space and car parking  
**By:** PJ Livesey and Henry Boot Developments PLC  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 29 May 2015  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 The Terry's Multi-Storey Factory comprises a five storey brick built Grade II Listed purpose built chocolate factory dating to the early 1920s. It has been disused since the site was vacated by Terry's in 2006 and is now in some structural disrepair. Planning permission is now sought for the conversion of the building into a maximum of 173 apartments with a 2,500 sq ft retail unit on the ground floor and a single storey roof top extension. Permission is sought at the same time for works to the site access including the layout of a boulevard from the entrance to the site from Bishopthorpe Road, an access to enable development of land to the south west of the Factory building, an area of car parking directly to the south to serve the proposed development and works to the existing Peace Garden to facilitate its use as open space to serve the property and to provide a subterranean surface water attenuation system. The application is subject to a requirement for a Section 106 Agreement covering contributions towards educational provision, sustainable transport provision and provision of off -site formal open space totalling £500,000. A parallel Listed Building Consent application has been submitted ref:- 15/00457/LBC for internal works to facilitate the conversion. The site also lies within the Terry's/Racecourse Conservation Area.

1.2 A "hybrid" planning permission and Listed Building Consent refs:- 09/01606/OUTM and 09/01608/LBC allowing for usage of the building for a flexible range of uses has previously been given in respect of the site and constitutes a viable "fall back position" in respect of the current development.

## **2.0 POLICY CONTEXT**

2.1 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The sections in the NPPF most relevant to this proposal include:

Chapter 12 – Preserving and Enhancing the Historic Environment specifically paragraph 131.

2.2 The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

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

2.4 Publication Draft York Local Plan (2014); Following the motion agreed at Full Council in October 2014, the publication draft of the York Local Plan is currently not progressing through its statutory consultation; pending further consideration of the Council's housing requirements and how it should meet those requirements.

2.5 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.

2.6 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).**

2.7 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 although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

2005 Draft Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse CONF

Contaminated Land GMS Constraints:

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Listed Buildings GMS Constraints: Grade 2; Terry's Of York Time Office Block  
Bishopthorpe Road

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Head Offices  
Bishopthorpe Road

Listed Buildings GMS Constraints: Grade 2; Liquor Factory, Terry's Factory,  
Bishopthorpe Road

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Factory Bishopthorpe  
Road York

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Clock Tower  
Bishopthorpe Road

## 2.8 2005 Draft Policies:

CGP15A - Development and Flood Risk

CYGP1 - Design

CYED4 - Developer contributions towards Educational facilities

CYHE2 -Development in historic locations

CYHE3 - Conservation Areas

CYHE4 - Listed Buildings

CYL1C - Provision of New Open Space in Development

STATUTORY DUTY – PLANNING (LISTED BUILDINGS AND CONSERVATION  
AREAS) ACT 1990 (AS AMENDED)

2.9 Section 66 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.

2.10 Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the

desirability of preserving the building. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

2.11 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 listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

### STATUTORY DUTY - PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (AS AMENDED)

2.12 Section 72 requires the Local Planning Authority when determining planning applications for development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law has made clear that when deciding whether harm to a Conservation Area was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to maintaining the Conservation Area. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

2.13 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 Conservation Area is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

## 3.0 CONSULTATIONS

### INTERNAL:-

3.1 Design, Conservation and Sustainable Development raise no objection in principle to the proposal but express concern in respect of the relationship of the roof top extension to the existing parapet and its impact upon wider views of the site. A detailed scheme of landscaping and protection for the existing trees within the site is also sought at the same time.

3.2 Environmental Protection Unit were consulted with regard to the proposal on 12th March 2015. No response has been forthcoming at the time of writing.

3.3 Strategic Flood Risk Management raise no objection in principle to the proposal but raise concerns with regard to the level of information in respect of surface water drainage submitted with the proposal.

3.4 Lifelong Learning and Leisure raise no objection in principle to the proposal subject to the payment of a commuted sum secured by Section 106 agreement in respect of the provision of off-site formal open space.

3.5 Education Services raise no objection to the proposal subject to the payment of a commuted sum in lieu of the provision of primary school places off site.

3.6 Highway Network Management raise no objection in principle to the proposal but express concern in relation to the level of parking provision suggested which is up to the maximum adopted standard. Commuted sum payments are also sought by Section 106 Agreement to cover sustainable transport and works within the highway directly adjacent to the site.

#### EXTERNAL:-

3.7 Micklegate Planning Panel raise no objection to the proposal but raise concerns in respect of the integration of the rear parking area into the surrounding landscape and the implication of the proposal for the availability of primary school places in the locality.

3.8 York Racecourse Ltd raise no objections to the proposal.

3.9 The Environment Agency raise no objection to the proposal.

3.10 English Heritage raise no objection to the proposal.

3.11 One letter of support has been received in respect of the proposal.

## **4.0 APPRAISAL**

### KEY CONSIDERATIONS:-

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the Listed Building;
- Impact upon the Character and Appearance of the Terry's/Racecourse Conservation Area;
- Car Parking within the Site and its Treatment;
- Treatment of the Peace Garden;
- The "Fallback Position";
- Section 106 Issues;
- Sustainability.

## IMPACT UPON THE LISTED BUILDING:-

4.2 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. Where 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 para 14 of the NPPF does not apply in these circumstances.

4.3 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.

4.4 Policy D5 of the (Emerging) Publication 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.

4.5 The Terry's Multi-Storey Factory is Listed as an early example of a purpose built chocolate factory in the form of a "mill" design. It incorporates the innovative use of concrete as a structural material together with a steel frame and includes a mix of Late Neo-Classical and Art Deco architectural detailing notably at the principal entrance facing north east and within the entrance foyer. More generally it forms a valuable group with the other early 20th Century Listed Industrial Buildings retained from the first phase of manufacture at the site including the Time Office, the Headquarters Building, the Clock Tower and the Liquor Store. It also has a definitional value in terms of the City skyline by virtue of its location and iconic design.

4.6 The building was used for the production of packaged chocolates up until production ceased at the site in 2006. Planning permission and Listed Building Consent were subsequently given for a range of flexible uses however, as a consequence of economic circumstances nothing has so far been implemented although works of demolition to remove roof top and other plant were undertaken at an early stage. This demolition work has seriously compromised the structural integrity of the building notably the roof and has led to serious water ingress into the internal fabric of the building with consequent harm. Since taking over the site in

2012 one of the joint developers Henry Boot has undertaken intensive marketing of the site for a range of uses without success with the only significant interest coming from residential developers which was one of the "flexible" uses for the site previously agreed.

4.7 The current proposal by a specialist developer of Listed Buildings particularly of industrial origin envisages the conversion of the building into a maximum of 173 apartments with a significant space reserved on the ground floor for provision of a retail unit to serve the wider area. The proposal also envisages the erection of a modest roof level extension set back from main parapet level, the principle of which was agreed in respect of the previous permission. A series of recessed balconies are also proposed on the southern elevation of the building which is less decorative in form and which was subject to a significant degree of alteration during its use as a chocolate manufactory. Openings would also be formed at ground level on the principal north eastern elevation to allow for the formation of external amenity space for the ground floor apartments. Concern has been raised in respect of the height of the roof top extension relative to the parapet which would impact upon longer distance views. The applicant has agreed to modify the design to lessen the scale, and amended plans will be required. The external proposed works are felt to be modest in extent, causing on balance, less than substantial harm, subject to the modifications to the roof top extension, and to be necessary to secure the future viable use of the building. This harm is given considerable importance and weight in the balancing exercise, when reaching the conclusion in this report.

4.8 Some substantial harm has been identified in respect of the internal works which are the subject of the parallel Listed Building Consent application and the impact of the internal works is considered in that Report elsewhere on the Agenda. The weight to be attached to this harm against the planning merits of the proposal is also considered later in this report.

#### IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA:-

4.9 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 para 14 of the NPPF does not apply in these circumstances.

4.10 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.

4.11 Policy D4 of the (emerging) Publication 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.

4.12 The complex of preserved early 20th Century Industrial buildings together with the adjacent racecourse complex along with its landscape setting is designated as a Conservation Area in view of its significant contribution to the wider townscape and visual character of the City. The seriously deteriorating structural state of the various buildings particularly when seen against the context of the racecourse to the north west has seriously harmed the character of the Conservation Area. The proposal seeks to bring the principal building of the complex back into a beneficial use which would have the effect of arresting any further decline. A scheme to restore the Peace Garden to the south west of the factory is also envisaged to create an informal open space for the wider locality with the layout of a formal boulevard accessed from the existing site entrance on Bishopthorpe Road with a range of floorscaping materials sympathetic to the works being undertaken by the adjacent developer to the north. The proposed roof level extension as amended would also be visible to a modest extent within views of the wider Conservation Area. It is felt that the proposed works taken together do not cause any harm to the Conservation Area, and would secure its preservation and enhancement in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.

#### CAR PARKING WITHIN THE SITE AND ITS TREATMENT:-

4.13 The proposal seeks permission for the layout of some 308 parking spaces adjacent to the boulevard and within a landscaped area to the south west of the building. This would be compliant with the Authority's maximum parking standards. Concern has been expressed in relation to the proposed numbers and layout however the design seeks to address the difficulties that have arisen with the level of parking provision laid out to serve the apartments constructed to serve the former York College site to the north west and the significant difficulties with "on street" parking that occur in the vicinity during race meetings and other events at the racecourse. The proposal is therefore felt on balance to be acceptable subject to the final detail of the landscaping of the parking area being reserved for further approval by planning condition.



## THE TREATMENT OF THE PEACE GARDEN:-

4.14 The Peace Garden lies to the south east of the factory building and was originally laid out as an informal open space for the factory workforce in memory of those killed in World War 1. It has been neglected and become partially overgrown since factory operation ceased and the application seeks to secure its restoration incorporating a high quality children's play area constructed in timber with an informal sitting out area and network of walks. At the same time an attenuation tank to deal with surface water flows from the main development would be provided underneath. This is felt to be acceptable subject to any permission being conditioned to secure full details for further approval by planning condition.

## THE "FALLBACK POSITION":-

4.15 Notwithstanding the current application the previous "hybrid" planning permission and associated Listed Building Consent remains valid and capable of implementation. This permits a flexible range of uses with control effectively limited in terms of planning permission to the design of the external balconies and without any meaningful control over the mix of uses including residential. At the same time the permission was made subject to a Section 106 Agreement which did not seek to mitigate any of the potential impacts arising from a residential conversion of the building which the permission allowed for over the majority of its floor space. This constitutes a viable "fallback" position, and is therefore a material consideration in the determination of this application.

## SECTION 106 ISSUES:-

4.16 The applicant has agreed to meet the cost of mitigating the offsite impacts via Section 106 Agreement to a maximum of £500,000. This will deal with the principal impacts of the proposal in relation to highway works, sustainable transport, playing field and educational provision where substantial deficiencies in supply have been identified within the surrounding area. It is considered that the proposed obligations under S106 meet the statutory tests set out in the Community Infrastructure Levy Regulation 122, in that they are necessary to make the development acceptable in planning terms and fairly and reasonably related in scale and kind to the development. The proposed obligations can therefore be regarded as material considerations in the determination of this application.

## SUSTAINABILITY:-

4.17 In terms of sustainability issues the proposed development has been designed on a "fabric first" basis in order to minimise use of embodied energy and keep energy and water usage by apartment owners to an absolute minimum. The property is in close proximity to the main cycleway network and also main public transport routes. More fundamentally it involves the re-use of an existing derelict site

of major townscape importance with minimal additional development to the exterior area. It is therefore felt to be acceptable in sustainability terms.

## **5.0 CONCLUSION**

5.1 The Terry's Multi-Storey Factory has lain vacant since operations at the site ceased in 2006. Following removal of the roof top plant the structural integrity of the building has become compromised and it is deteriorating rapidly. Planning permission has previously been given for a mix of flexible uses however planning permission is now sought for the conversion of the building into a maximum of 173 apartments with a retail unit on the ground floor. It is felt that the proposal would give rise to harm to the evidential value and significance of the building both in respect of the proposed roof top extension and in terms of the proposed internal works where the harm may be quantified as being substantial. However, balancing against this the applicant has undertaken to address in detail and amend each area of concern. Even when the harm is given considerable importance and weight, it is considered to be outweighed by the benefits of bringing such a substantially important Listed Building within the context of the York City sky line back into a beneficial use within an existing derelict site of major townscape importance with minimal additional development to the exterior area, in a sustainable location.

5.2 The impacts of the proposal in terms of the need for playing pitch provision, the provision of primary school places and sustainable transport and off-site highway works can be addressed through a legal agreement. Approval is therefore recommended for the scheme subject to a Section 106 Agreement to cover these issues.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:**

- (i) Defer Pending Completion of a Section 106 Legal Agreement to cover quantified needs in respect of off-site provision relating to sustainable transport and off site highway works, provision of off-site sports pitches and the provision of primary school places in the locality.
- (ii) Delegate Authority to the Assistant Director (Development, Planning Regeneration) to approve on completion of the agreement.

1 TIME2 Development start within three years -

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

Drawing Refs:- 087-00-0001; 087-00-0010; 087-00-11; 087-00-0310; 087-00-0410; 087-00-1000;087-00-1001; 087-00-1010; 087-00-1011; 087-00-1012;087-00-1310;

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087-00-1410;087-00-1411; 087-01-2701;087-01-2702; 087-01-2703; 087-01-2704;  
087-01-2705;087-01-2706; 087-01-2707; 087-01-2708; 087-01-2709; 087-01-2710;  
087-01-2711; 087-01-2712; 087-01-2713; 087-01-2714; 087-01-2715; 087-01-2716;  
087-01-2717; 087-01-2718; 087-01-2719; 087-01-2720; 087-01-2721; 087-01-2722;  
087-01-2723; 087-01-2724; 087-01-2725; 087-01-2726; 087-01-2727;087-01-02728;  
087-01-02729; 087-01-2730; 087-01-2731; 087-01-2732; 7103(100) 500.

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 construction of individual apartments first commencing. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 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 individual apartments and the works shall be carried out in accordance with the approved details.

Full external details of roof top extension (revised design)

Any additional guarding required to parapet

Balcony details and finishes (most details already submitted)

Details of main entrance screens, solid and transparent

Details of windows (shown in context); samples to be provided (with steel for comparison purposes); distribution of opening lights and specification of finished colour to be provided, also window details showing incorporation of vents

New external doors

Details of external works, including guarding and finishes adjacent to the building at lower ground level. Maintaining a co-ordinated boundary treatment around the factory should be made subject to legal agreement.

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Details of any alterations to the entrance gates, including any proposed attachments

External lighting and signage proposals should also be submitted

Landscape proposals should also include a co-ordinated set of street furniture.  
Details should be submitted

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

5 Prior to the commencement of works on each individual apartment a detailed repair schedule should be provided and this should include proposals for any external cleaning or removal of uncharacteristic finishes. The type and level of cleaning should be subject to agreement of trial areas. The development shall thenceforth be undertaken in strict accordance with the approved application details.

Reason:- To safeguard the character of the Listed Building and to secure compliance with paragraph 131 of the National Planning Policy Framework.

6 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 on the site and in the surrounding area and in the interests of highway safety.

7 HWAY1 Details roads, footpaths, open spaces req. -

8 HWAY7 Const of Roads & Footways prior to occup -

9 HWAY18 Cycle parking details to be agreed -

10 HWAY19 Car and cycle parking laid out -

11 HWAY40 Dilapidation survey -

12 Before the commencement of development, including building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin. It shall also include construction details and existing and proposed levels, where a change in surface material and/or levels are proposed within the canopy spread and likely rooting zone of a tree. The protective fencing line shall be adhered to at all times during development operations to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches or services or drains. The fencing shall remain secured in position throughout the development process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: 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.

13. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority details of tree planting and tree support systems.

Reason: To ensure the proposed trees will survive and thrive since they are integral to the amenity of the development.

14 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, density (spacing), stock size, and position of trees, shrubs and other plants; and seeding mixes, sowing rates and mowing regimes where applicable. It will also include details of ground preparation. 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 substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local

authority approval and notification respectively within and beyond this five year period.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

## **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:

Details of the proposed pattern of fenestration and the design of the proposed roof top extension.

#### **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

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