

## Members Update Sheet

### Item 1 NYM/2017/0722/LB

**Please see information received from the Applicant for circulation.**

The applicant has submitted a response to the proposed conditions which has been circulated to Members (04/09/2019). The statement questions the wording of some of the proposed conditions.

In response to this Officers wish to make the following comments:

Condition 3 – Wording of the condition to be revised to clarify that the demolition contract is only required prior to works commencing on the demolition of any part of the barn conversion.

Condition 4 – The Authority disagrees that the Structural Report submitted with the application has been presented as a scheme appropriate for use in a Listed Building and therefore stands by the condition as proposed to ensure that the amount of demolition and method of rebuilding is appropriate for the Listed barn and also to ensure that it does not have any adverse impact on the fabric and character of the attached Listed dwelling.

Conditions 9-11 – These conditions do require joiners construction details to be submitted confirming the method of glazing – not a redesign of the proposed style.

Please note an amendment to the following conditions:

3. CLB09 No work shall commence on the demolition of any part of the **barn conversion** to which this permission relates until a legally binding contract has been made for the carrying out of the works of redevelopment of the site and submitted to the Local Planning Authority for written approval (or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed to in writing by the Local Planning Authority) and planning permission has been granted for the redevelopment for which the contract provides.
4. CDLB00 No work shall commence on site to clear or strip out the building to which this permission relates until a full Conservation Structural Survey and condition report from an appropriately qualified professional from a Conservation background has been submitted to and approved in writing by the Local Planning Authority. This report shall include an assessment of the extent to which works or repairs are necessary and the amount of new structural work needed to enable the conversion. All new or reconstructed walls shall be traditionally constructed (i.e. not block built) off limecrete foundations and should be plastered with nonhydraulic lime. The work shall not be carried out otherwise than in accordance with the approved details.

Please note an additional condition as follows:

16. GACS14 The slit windows in the western elevation of the development hereby approved shall not be glazed other than with obscure glass and shall be maintained in that condition in perpetuity.

**Parish** – We support the use of heritage double glazing.

### **Additional Background Information**

The applicant has written in relation to the issues around replacing of the existing windows on the rear elevation of the main house with double glazing, contesting the National Park Officer's opinions that although the existing 1980's windows are in a poor state of repair that they should be replaced with single glazed windows rather than heritage double glazed units as proposed.

She states that there is no heritage glazing in the 1980s windows and the Victorian glazing bar width on the front of the house is 24mm compared to the 22mm on the 1980s windows on the rear and this width is capable of accommodating double glazing without damage to the fabric.

She states that the windows to the rear of the house require to be replaced one way or another, as they are nearing the end of their useful life and that she believes that the proposal falls in line with Historic England 2017 guidance on 'Care of Traditional windows their care, repair and upgrading'

To conclude she states that either way, the windows will need to be replaced in the near future and if NYM are still of a mind to refuse the overall proposal because of the revised double glazing proposal attached, then I would request that the use of secondary glazing be considered as the submission at Committee rather than double glazing.

### **Item 2 NYM/2017/0717/FL**

**Please see information received from the Applicant for circulation.**

The applicant has submitted a response to the proposed conditions which has been circulated to Members (04/09/2019). The statement questions the wording of some of the proposed conditions.

In response to this Officers wish to make the following comments:

Condition 4 – Local Occupancy Condition - This condition was drafted as it is in line with current LDF Policy. If Members note/endorse the preceding policy report on prospective weights to be given to relatively unchallenged policies in the draft Local Plan, Members will be advised at the Meeting in the light of the discussions during the Policy Paper consideration.

Condition 6 – Wording of the condition to be revised to clarify that the demolition contract is only required prior to works commencing on the demolition of any part of the barn conversion.

Condition 7 – The Authority disagrees that the Structural Report submitted with the application has been presented as a scheme appropriate for use in a Listed Building and therefore stands by the condition as proposed to ensure that the amount of demolition and method of rebuilding is appropriate for the Listed barn and also to ensure that it does not have any adverse impact on the fabric and character of the attached Listed dwelling.

Conditions 12-14 – These conditions do require joiners construction details to be submitted confirming the method of glazing – not a redesign of the proposed style.

Please note an amendment to the following conditions:

6. CDLB09 No work shall commence on the demolition of any part of the **barn conversion** to which this permission relates until a legally binding contract has been made for the carrying out of the works of redevelopment of the site and submitted to the Local Planning Authority for written approval (or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed to in writing by the Local Planning Authority) and planning permission has been granted for the redevelopment for which the contract provides.
7. CDLB00 No work shall commence on site to clear or strip out the building to which this permission relates until a full Conservation Structural Survey and condition report from an appropriately qualified professional from a Conservation background has been submitted to and approved in writing by the Local Planning Authority. This report shall include an assessment of the extent to which works or repairs are necessary and the amount of new structural work needed to enable the conversion. All new or reconstructed walls shall be traditionally constructed (i.e. not block built) off limecrete foundations and should be plastered with nonhydraulic lime. The work shall not be carried out otherwise than in accordance with the approved details.

Please note additional conditions as follows:

- 21 GACS14 The slit windows in the western elevation of the development hereby approved shall not be glazed other than with obscure glass and shall be maintained in that condition in perpetuity.

22. MISC00 No work shall commence to clear the site in preparation for the development hereby permitted until details of a programme of works to mitigate the impact of the development on any bats at the site have been submitted to and approved in writing by the Local Planning Authority. The programme shall include an updated survey of the buildings, including a single inspection and nocturnal survey to determine the extent of any bat presence and a written scheme of mitigation measures. The work shall not be carried out otherwise than in accordance with the details so approved.
23. RSUO00 Notwithstanding the indication on drawing number 2C1 submitted on the 4 September 2019 which appear to show 2 sheds located within the rear garden area, this approval does not grant permission for any sheds and a further application will have to be submitted if sheds are required which provides full elevational details.

**Parish** – The Parish Council strongly support the application since it creates another dwelling for the village. It is compatible with adjacent buildings and has a positive impact on the Listed Building. Ideally we would have preferred a three bedroom family dwelling.

**Yorkshire Wildlife Trust** – Thank you for consulting Yorkshire Wildlife Trust on the amendments to the above application. I can confirm that those comments we made on the scheme on 9 November 2017 are still appropriate and we would like to request the same condition of precautionary measures. However, due to the length of time since the previous bat surveys were undertaken, we would be encouraged to see a single inspection and nocturnal survey carried out of the buildings to confirm their condition remains the same and no roost is thought present. Should the condition be changed, further survey may be required. This is due to the stochasticity of the natural environment and potential deterioration of buildings which may present new roosting opportunities. In accordance with CIEEM and Natural England guidance, surveys which are two years old are should not be assumed representative of a site.

**Planning Conditions: 10 South End Osmotherley**

Further to the seven pages of detail conditions, emailed on Wednesday evening 28Aug19 and opened by me on 30 Aug19, and my phone call on Tuesday 3Sept in connection with the above. These were summarised in the Committee report to Members. For confirmation of clarification received from the Head of Planning and the Senior Planning Officer:

*Clause 4*

In respect of the clause on Local Occupancy, I advised that I had been upfront since the first application discussion in 2017-18, in asking if the clause on 'Permanent Occupancy', as opposed to 'Local Occupancy' as drafted for the new Local Development Plan could be later ascribed to the property, due to the need to recover costs. There is no speculation involved here in making money, only the extent of the loss involved in bringing empty and unusable heritage assets back into use.

It was advised that this would be possible if the Local Development Plan as submitted was approved in this respect. This issue was again raised at the additional site meeting with the Head of Planning and the Senior Planning Officer and they concurred the position remained the same. It was pointed out that at the present time, this could be given no weighting until the Local Plan was approved and this was set out in a Committee report on the 5Sept19 Agenda.

*Clause 6*

You clarified the condition for commencement and confirmed that that it was not solely in respect of demolition but that no work could commence on the development proposal without approval from the National Park that a signed contract was in place for the development proposal. This was based on a clause used in York to avoid demolition of buildings occurring and subsequently being left undeveloped for years to allow for lucrative earnings from car parking. The National Park did not wish to have demolition occur and the land remain undeveloped.

There was concern that this meant that no work could commence on repair and maintenance work, such as works to the main roof and replacement of down pipes or insulation to the original dwelling. It was advised that there should be no problem with repairs or replacement of 80's kitchen or bathroom fittings. In respect of roof retiling, rainwater goods and drainage, the type of tiles would have to be cleared with the National Park and procedures followed for 'Article 4' in respect of rainwater goods. These and similar required repair and maintenance could proceed as normal and separate from the proposed conditions for planning approval. A list could be agreed with the Planning Authority of items falling into this category.

*Clause 12 and 14*

In respect of the additional clauses to those normally used for listed buildings for the design and construction of the doors and windows, you confirmed that this did not entail altering the visual appearance of the doors and windows in respect of the extent of glazing or glazing bars as shown on the approved drawing and on which revisions were made by yourselves and incorporated as agreed in the final drawing submitted. Rather did it apply to the construction details requiring to be provided for approval.



Clause 7

There is a requirement that no work shall commence on site to clear or strip out the building to which this permission relates until the provision and approval of a new *full Conservation Structural Survey from an appropriately qualified professional from a Conservation Background being submitted and approved by the Local Planning Authority*. This is some two years after the original Structural Survey was commissioned at some expense, (as required by the National Park for listed building submission), undertaken and reported by a fully qualified Structural Engineer experienced in working with Local Authorities and other bodies. This individual was highly recommended to me as having a background and experience over the last twenty years in the inspection and restoration of structural integrity to old, traditional buildings both heritage assets and listed buildings. I have no cause to question his report in terms of assessment of structural condition and need for action if the building is to be brought into occupational use.

It is important for occupational use that the integrity of the structure is sound and will comply with Building Regulation Inspections. The north, east and west face of the outbuilding structures are retained. It is only the South external wall and the internal loadbearing wall that require to be demolished and rebuilt. What ever solution proposed and implemented by the proposer needs to ensure that professional indemnity cover can be secured. This cannot be provided by either the National Park or by an individual- regardless of how qualified, who proposes a solution but does not bear responsibility for the subsequent design, calculations and implementation.

I have already previously had two structural surveys undertaken by fully qualified by Conservation accredited Structural Engineers. In addition the authority has had their own Conservation Structural Engineer undertake a survey. The current supporting system, of acro props and timber members supporting the roof, was undertaken by a Conservation accredited structural engineer.

The proposed demolition and rebuild is not substantial. The limited extent was shown at the last committee in supplementary information to Members. It may be that it is wished to undertake less demolition as occurred in 1980 with subsequent structural works now required to address the inherent structural problem. However as the main query appears to be in respect of the proposed solution by the structural engineer being of block work on a concrete raft foundation- a common and robust solution to ground movement and the need to avoid differential movement across the building whilst securing loadbearing capacity. This is not seen as acceptable although the wall is proposed to have a plaster finish. Where conservation methods are appropriate the structural report recommended their adoption such as 'stitching'. Rather than a further costly duplicated structural engineering survey, only requested at this late stage, I would ask that the condition be modified to the following:

**' That the detail Structural Engineering proposals consider reasonable alternative means, including traditional conservation methods for addressing the identified structural and related conservation issues, whilst meeting the required level of structural integrity for residential occupation allowing for professional indemnity cover and compliance with Building Inspection, for consideration by the National Park Authority before implementation '**

K Livingston  
4Sep19

