



- Relocation of plant/cycle parking provision/refuse to the ground floor (following removal of the basement), all of which are located along the Black Horse elevation;
- Changes to the elevations in part to reflect internal reconfiguration and re-location of plant and services to the ground floor but also representing a “refresh” of the design with the main change being a different fenestration design;
- Changes to the courtyard landscape design to reflect relocation of plant, cycle parking and services to the ground floor;
- Adjustment of the housing mix to reflect the revised floorspace and current market demand.

## THE SITE

1.4 The application site relates to Block D only and extends to an area of 0.38 hectares. It sits within the wider Hungate development site and is located off Stonebow, just outside the Central Historic Core Conservation Area with the Conservation Area boundary following the north eastern side of the Stonebow and the northern bank of the Foss, directly adjacent to the completed Block E (Phase 2). Rowntree Wharf, a Grade II listed building is sited opposite the wider development site on the south bank of the river and Lady Hewley's Almshouses (Grade II listed) are located on the opposite side of Stonebow.

1.5 The site of Block D is bound by;

- (i) Black Horse Lane to the north, beyond which lies the Hiscox Building and the Stonebow;
- (ii) Palmer Street, Blocks A, B, and C (Phase 1) of the Hungate development site to the east;
- (iii) Block E of the Hungate development site to the south, beyond which lies the River Foss and Rowntrees Wharf;
- (iv) Dundas Street to the west and Block F (under construction), Block H and Block G of the Hungate development.

## ENVIRONMENTAL IMPACT ASSESSMENT

1.6 The potential effects on the environment of the hybrid application (15/01709/OUTM) were considered within an Environmental Statement (ES July 2015). This ES was updated in August 2017 to consider the implications of changes to the outline parameters in respect of Block G.

1.7 An ES Update (December 2018) has been prepared to consider the environmental implications of this revised scheme for Block D in the context of its position within the wider Hungate development site, and to assess the potential for the latest design proposals to result in new or amended environmental effects. This

has resulted in reconsideration of the technical chapters relating to socio-economic issues, transport, townscape and visual impact, flood risk and drainage, air quality, archaeology, cultural heritage and cumulative effects.

1.8 In summary, the ES Update (December 2018) identifies that the proposed development will result in no change to the overall conclusions reached in the original ES (July 2015), as updated by the ES Addendum (August 2017), which concluded that the development proposals would not have significant adverse impacts on the environment or other amenity considerations.

## **2.0 POLICY CONTEXT**

2.1 National Planning Policy Framework (February 2019)

2.2 Draft York Local Plan (4<sup>th</sup> set of changes (2005) – relevant policies included:

- GP1 – Design
- CYGP3 – Planning against crime
- CYGP4A – Sustainability
- CYGP4B – Air Quality
- CYGP6 – Contaminated Land
- CYGP9 – Landscaping
- CGP15A – Development and Flood Risk
- CYT4 – Cycle parking standards
- CYH1 – Housing Allocation
- CYH2A – Affordable Housing
- CYH3C – Mix of Dwellings
- CYH5A – Residential Density
- CYED4 – Developer Contributions towards Education
- CYL1C – Provision of New Open Space in Development

2.4 Publication Draft Local Plan (2018) – relevant policies include:

- DP2 – Sustainable Development
- DP3 – Sustainable Communities
- SS1 – Delivering Sustainable Growth for York
- SS3 – York City Centre
- SS17 – Hungate
- H2 – Density of Residential Development
- H3 – Balancing the Housing Market
- H10 – Affordable Housing
- HW3 – Built Sport Facilities
- HW7 – Healthy Places
- D1 – Placemaking
- D2 – Landscape and Setting

- D6 - Archaeology
- GI6 – New Open Space Provision
- CC1 – Renewable and Low Carbon Energy Generation and Storage
- CC2 – Sustainable Design and Construction
- ENV1 – Air Quality
- ENV2 – Managing Environmental Quality
- ENV3 – Land Contamination
- ENV4 – Flood Risk
- ENV5 – Sustainable Drainage
- T1 – Sustainable Access
- DM1 – Infrastructure and Developer Contributions

### **3.0 CONSULTATIONS**

#### INTERNAL

#### **Design, Conservation and Sustainable Development (Design)**

##### Ground Floor Layout

3.1 The new bin store location has chosen the most appropriate street facade (Black Horse Lane) given adjacent building service uses. It is important that the design of these service openings has been carefully considered and is not overly utilitarian or bland.

Private apartment entrances accessed directly off the street is supported. The main pedestrian entrance is less desirable than the extant scheme. Not convinced that cycle access will be encouraged because the access is completely glazed off. This both blocks glimpses of the courtyard and makes it hard to access by cycle.

##### Upper Floors Layout

3.2 Whilst the increases in the extent of the top floor can be seen, most visual impacts relate to streets that are part of the Hungate masterplan development area. This is considered an acceptable increase.

Significant officer concerns were raised over the level five (six storey) elevation design, which was considered too uniform for such a dominant and large building. The current revision now fully addresses this concern and the proposal is acceptable.

##### Elevations Design

3.3 Generally well composed, accepting that this is large building and visually imposing. For instance elevation design components such as building corners, or

projecting bays, or balcony types, are handled with a generally pleasing rhythm and are used consistently and logically.

### **Design, Conservation and Sustainable Development (Archaeology)**

3.4 The archaeological mitigation measures (pre-pile probing and an archaeological watching brief on level reductions) are detailed in the archaeological written scheme of investigation, which is covered by the S106 Agreement for the Hungate development.

### **Highway Network Management**

3.5 In respect of the deletion of the basement car park, it is unlikely that Hungate residents would be able to park anywhere that would cause issues as the area around the site (quite a wide perimeter) is covered either by resident parking areas or TROs which means that there is very limited on street parking that they can use legally.

3.6 With respects to cycle parking, there are a number of areas of concern relating to the use of two tier cycle racks, the required headroom for two tier cycle racks and the lack of space between the proposed racks. Also we would draw attention to the limited width of the gated entrance to the courtyard.

### **Flood Risk Management**

3.7 In accordance with the response from the Environment Agency and Yorkshire Water, and subject to the development being carried out in accordance with the FRA Addendum and agreed finished floor levels (the internal Finished Floor Levels (FFLs) of the 'more vulnerable' residential units should be set no lower than 11.015m AOD), the Flood Risk Management Team has no objections to the granting of planning permission.

### **Public Protection**

#### **Noise**

3.8 The outline application has a condition in relation to noise levels within internal rooms (condition 31 of 17/02019/OUTM). The noise comments in relation to this application would be similar to the controls already provided by condition 31 therefore no further comments or conditions are required in relation to noise.

#### **Contaminated Land**

3.9 The Hungate site has a number of past industrial uses including a gas works, warehouses, garages and timber works. Previous ground investigations have revealed that land contamination is present at the site and remediation work has

already been carried out on parts of the site. Different parts of the site therefore require different amounts of work to make them safe and suitable for their proposed use. Conditions are recommended consistent with those applied previously.

### Air Quality

3.10 The controls in terms of air quality have all been adequately assessed as part of the previous permission for this block. The updated AQ chapter of the Environmental Statement submitted states that all the previous conclusions are still valid. It is recommended that a condition is attached in relation to construction management for air quality and noise as per previous consent.

### Childrens Services, Education And Skills

3.11 A revised Education contribution is required for this development. Whilst not a material change in terms of predicted pupil yields from Block D (10 primary, 3 secondary, 12 pre-school), the number of surplus places to offset them has dropped. The equivalent of 4 pupil places was originally requested for this phase. New projections show a shortfall of 9 extra school places required by 2022/23 plus a pre-school contribution for 12 places. Using 2018/19 cost multipliers, a contribution of £217,878 is requested as follows;

Primary: Fishergate - Intervention pods for the school halls to manage more intense use of the school (£82,806)

Secondary: Fulford School- All Weather Sports Pitch (£51,756) - This contribution would only be requested if the government's pooling requirement were withdrawn.

Pre-school Provision within 1.5km of the development (£83,316)

### Public Realm

3.12 An off site contribution is required for amenity (£45,300) and play space (£54,704), details below;

- the expansion of teaching and workshop facilities at St. Nicholas Fields.
- children's themed educational planting and interactive at Museum Gardens;
- woodland and beck side adventure and educational play at St Nicholas Fields; and
- children / teenager skills and challenge course at Foss Islands Path;

### Public Health

3.13 An off-site contribution of £63,900 is required for sport, details below;

- a) changing and ancillary facility improvements and additional sports facilities at Burnholme Community Health Hub; and
- b) multi-use games area within Heworth Without; and
- c) improvements to Hull Road Park buildings.

## **Housing**

3.14 The viability appraisal undertaken by the District Valuation Service (DVS) in September 2015 covers phases 3-6 (Blocks D, F, G and H), and that appraisal report concluded that 16-18% affordable housing was appropriate (depending on PRS). Following detailed discussion and negotiation, 17% was agreed by Lend Lease and CYC, and approved as a way forward. The approval lasts until April 2020, after which there would need to be a re-appraisal or acceptance of 20% affordable housing.

3.15 Any addition to numbers of apartments agreed in the 15/01709 application will need to provide 20% affordable housing unless a new viability appraisal is submitted which we can assess.

3.16 In lieu of provision on-site (due to high service charges and the inability of RP's to take the affordable apartments), we can agree a commuted sum on this site (as an exception to policy) equivalent to £97k per apartment, as previously agreed.

## EXTERNAL

### **Environment Agency**

#### **Original Comments**

3.17 The submitted FRA does not adequately assess the development's flood risks and in particular, fails to demonstrate that there will be no displacement of flood flows as a result of the development.

#### **Further Comments**

3.18 We have reviewed the technical response note by Waterman, dated 22 February 2019. Based on our review of this information and subject to the development being carried out in accordance with the FRA Addendum and agreed finished floor levels, also stated in the above document, we can now remove our objection to the proposal.

## **Yorkshire Water**

### **Water Supply**

3.19 There is a section of 110mm water main that may cross the border of the site. Whilst it does not appear (based on the submitted proposed site layout drawing) that buildings will affect the pipe, YW will need 24/7 access to this main and structures or trees should not be located within 5 meters of the pipe. Condition recommended.

### **Waste Water**

3.20 The drainage strategy for the development is in accordance with that set out in the Addendum Drainage Management Plan dated May 2017 and presented as Appendix 9 of the ES Addendum (August 2017). The text of the ES (July 2015), as updated by the ES Addendum (August 2017), therefore remains valid and we have no comment regarding foul and surface water drainage.

## **Historic England**

3.21 No comment.

## **North Yorkshire Police**

3.22 There is a strong commitment from the applicant to making this development a safe and secure environment for its residents. This is to be commended. I have no further comments to make regarding the proposal.

## **Guildhall Planning Panel**

3.23 We do not recognise the rationale for the removal of the car parking, which shifts demand to the streets surrounding the development. The root cause of the non-sale of the spaces is the price, rather than the lack of demand. Residents who cannot afford these spaces are therefore parking outside the estate. The density of the development is at odds with the comments in the document that state there will be little effect upon the vehicle movements in the area, with little reference to improved cycle parking and access.

## **Third Party Representations**

3.24 One letter received objecting to the scheme on the grounds that the extended size of the 5th floor would diminish their light and would result in an open air veranda in front of their balcony increasing the potential for noise from those occupants.



## 4.0 APPRAISAL

4.1 The key issues to be considered as part of this application are:

- Design and visual amenity (height and massing)
- Archaeology
- Highway Issues
- Residential Amenity
- Flood risk and drainage
- Impact on Local Facilities

## POLICY CONTEXT

### National Planning Policy Framework

4.2 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", February 2019). Its planning policies are material to the determination of planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 7 of the NPPF states planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and a good standard of amenity for all and to proactively drive and support sustainable economic development to deliver the homes and businesses that the country needs.

4.3 Section 7 of the NPPF requires good design. At paragraph 56, it advises that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

### City of York Draft Local Plan

4.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are 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. However, such policies can be afforded very limited weight. Relevant policies are listed in section 2. The site falls within the Hungate Development Site as shown on the Local Plan Proposals Map (2005). It is identified as a mixed use allocation for both office development (B1a) and residential development.

## Emerging Local Plan

4.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

4.6 Relevant draft policies are set out in section 2. Policy SS17 of the emerging Local Plan identifies the Hungate site as a Strategic Housing Site (Allocation Reference ST32). The draft allocation reflects permission 15/01709/OUTM. Policy SS17 requires that "design should respect local amenity and character whilst being imaginative and energy efficient. The special character and/or appearance of the adjacent Central Historic Core Conservation Area should be conserved and enhanced".

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

## MASSING AND DESIGN

4.7 Chapter 12 of the NPPF gives advice on design, placing great importance on the design of the built environment. At paragraph 127 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, be visually attractive through good architecture, layout and appropriate landscaping, be sympathetic to local character whilst not stifling innovation, establish a strong sense of place, and create safe and accessible environments. It goes on to say that great weight should be given to outstanding or innovative designs which help raise the standard of design in the area (para.131). At paragraph 130, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These aims are reflected in draft Local Plan policies GP1 of the 2005 draft Local Plan and D1 and D2 of the 2018 emerging Local Plan.

4.8 Although the scheme under consideration is a stand alone application and is assessed on its own merits, it is still considered useful to compare it with the permitted scheme as it is similar and was deemed of acceptable design.

## Massing

4.9 The massing has changed from the 2015 approved scheme as a result of the increase to the footprint of the 6<sup>th</sup> floor “box” such that on the south west elevation (facing onto St. Johns Square), the top floor accommodation (seven storey) now runs the full width with the 6<sup>th</sup> floor also running partially along the Black Horse Lane and Pound Lane elevation. It then steps down to being 6 storeys along Palmer Street (facing Block A). In all locations, the 7<sup>th</sup> floor is set back from the levels below which reduces the buildings height when viewed from the street and from St. Johns Square in particular.

4.10 The visual impact of the proposed expanded top floor accommodation has been assessed through 3D visuals. Whilst the increases can be seen, most visual impacts relate to streets that are part of the Hungate masterplan development area. Officers consider it to be an acceptable increase.

## Design of Elevations / Materials

4.11 The elevational treatment for Block D has been designed to give prominence and a formal aspect on to St Johns Square. The elevations to Black Horse Lane, Palmer Street and Pound Lane present a finer, more detailed grain to the surrounding footstreets. The elevations are designed so that they can be distinguished as a series of joined buildings. The primary elements have verticality with linking elements in between with strong north, east and west corners and a curved corner onto the square. Balconies are generally recessed within the corners to present a strong visual treatment, with projecting balconies along street frontages to help articulate the grain of the plot widths.

4.12 The proposed materials are red facing brick with buff brick within the courtyards to maximise the daylight levels. Glazed brickwork would be incorporated to the St Johns facing elevation and patterned metal cladding would provide a texture and character to the block, providing some individuality to the building over the completed blocks. Vertical grey metal cladding would be used to further recess the top most storey from the surrounding external elevations.

4.13 In the context of this being a large and visually imposing building, Officers consider the elevations to be well composed with the design components handled with a generally pleasing rhythm and used consistently and logically.

4.14 Significant officer concerns had been raised over the level five (six storey) elevation design, which throughout the pre application and application process was considered too uniform for such a dominant and large building. The latest revision addresses these concerns by including a good degree of modelling to this level to make the overall building appear as a genuine series of modulated bays (instead of one uniform length). From many views this modelling also creates a varied

castellated type skyline silhouette/profile (varied skylines being an appropriately York characteristic). The floor plan at this level has been amended so the apartment layout here genuinely benefits from this in-out modelling, rather than just eating in to a standard floor plan. This also enables the creation of many small private amenity roof terraces.

### Ground Floor Layout

4.15 The main entrance to the building is located on St Johns Square. It is an important zone because it should ensure security whilst also promote controlled access and provide public glimpses through to an inner private green space. All residents access the building through the central landscaped courtyard where there are four secure entrance lobbies that provide access to circulation cores.

4.16 The entrance zone in this proposed scheme is less desirable than that detailed in the extant permission as it now a single storey cut through rather than two storeys. In order to improve this element of this scheme and encourage a more open, gated approach, which would also render it easier for cyclists to access the courtyard; it is recommended that the decision be subject to a condition requiring amended details of the entranceway design.

4.17 Service activity (plant/cycle parking provision/refuse) that previously had been accommodated within the basement is now at ground floor. It is acknowledged that ground floors in general should maximise positive street activity/use rather than accommodate “dead” service uses which, in large amounts, can have a negative impact on the character of the ground floor. Notwithstanding this, it is considered appropriate that the location of the refuse stores is to the Black Horse Lane elevation given adjacent building service uses and it is also acknowledged that revisions to the design of the service openings have been made to prevent them from appearing overly utilitarian or bland. To further address this concern, the applicant has agreed to commission some art work to the service openings, which will be subject to a condition.

4.18 Private apartment entrances accessed directly off the street are included in the extant permission. This was assessed as desirable because it animated the street with activity and created some sense of ownership/ personalisation of these areas. This approach is largely continued in the current scheme with a number of apartments at ground floor level along Pound Lane and Palmer Street having direct access to the street. This is supported.

### Landscaping

4.19 The central landscaped courtyard is for residents only and would provide semi-private space for the ground floor flats together with a lawned communal space with seating and informal play in the centre.

4.20 The courtyard is relatively small and therefore it is acknowledged that it will be dominated by the height of the surrounding properties and receive very little direct sunlight except in the height of summer. Clipped evergreen hedgerows with low railings are proposed to define the private garden terraces which with the three proposed large Betula trees, several smaller trees and mixed shrubbery planting, are however considered to be suitably bright and attractive for the space.

4.21 The extent of green roof has increased from the extant permission to encompass 75% of available roof space, which is welcomed. The green roofs are planted with a wide range of flowers and grasses and supplemented with small log piles, small bunds and insect boxes. This is the most valuable approach to planting a bio-diverse living roof, which is also low maintenance.

## ARCHAEOLOGY

4.22 The archaeological features and deposits on the application site are undesignated heritage assets that lie within the designated Area of Archaeological Importance.

4.23 Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 198 details that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Paragraph 199 of the NPPF advises that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), and to make this evidence publicly accessible. It states the ability to record evidence should not be a factor in deciding whether such loss should be permitted. Draft Local Plan 2005 Policy HE10 and emerging Local Plan Policy D6 reflect national planning guidance.

4.24. Substantial archaeological investigations have been carried out in association with the Hungate development. The archaeological mitigation measures are detailed in an Archaeological Scheme of Investigation (WSI) and a S106 Agreement covers its implementation. The archaeological work required by the S106 Agreement is still in progress.

4.25 An updated ES was submitted to support a revised Outline Application (15/01709/OUTM). That ES has been updated to support this detailed application for Block D. The revised and updated ES for this application states in 8.14 that:

*The proposed works within the Block D development area will have a substantial adverse impact on the locally significant Post-Medieval to modern the [sic]*

*archaeological resource, with a subsequent minor adverse effect on the locally significant Post-Medieval and earlier archaeological resource. This effect will be satisfactorily offset by monitoring the ground reduction under watching brief conditions, hand excavation of the base 1m of the lift shafts and monitoring piling under watching brief conditions. This work will allow structures and deposits to be recorded during the loss of the archaeological resource. The successful completion of the mitigation measures will result in gains in the understanding of the area's historic development.*

4.26 As identified in the ES, the development proposal will cause harm to locally significant archaeological resources. This harm is considered to be less than substantial, outweighed by the economic and social benefits of the development in terms of the provision of new housing and the opportunity it presents for regeneration in the area, and has been mitigated by the measures detailed in the WSI. In the context of Paragraph 199 of the NPPF, the ability to record evidence has been considered as part of the planning balance in deciding whether the harm should be permitted, but has not been a decisive factor.

## TRANSPORT

4.27 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations.

4.28 The site is in a sustainable location close to the city centre and other local facilities and is well served by a number of high frequency public transport routes. In order to promote and incentivise sustainable travel whilst also reducing dependence on the private car, first residents will be offered a choice of free bus pass or cycle/cycle accessories and membership and drive time credit for the city car club (secured through the S106). Car club vehicles will be located within the development.

4.29 Car parking for the scheme is provided by the existing car parking on site, including the basement beneath Blocks A, B and C (Phase 1) (constructed) and the multi storey car park that forms part of Block F (currently under construction). Efficiencies made within the multi storey car park (and secured as part of a Section 73 application for Block F approved in October 2017) resulted in an increase of 22 spaces over that approved by 15/01709/OUTM. As such, the removal of the basement car park from Block D as proposed by this application represents a net reduction of 44 spaces across the wider site over that which was previously approved.

4.30 The applicant states the following;

*Overall 141 car parking spaces remain within Phase 1 and the multi storey car park. This proposed revision to the scheme reflects a demonstrable reduction in the demand and take up of car parking spaces across the wider site over time. Indeed,*



*this is an appropriate response to car parking provision within a city centre location with low levels of car ownership and accessible by sustainable modes of transport.*

4.31 The Guildhall Planning Panel object to the application on the basis that the lack of take up of spaces is an over-pricing issue rather than one of demand with the implication being that Hungate residents are parking elsewhere to the detriment of local residents. However, Officers consider it unlikely that Hungate residents would be able to park anywhere that would cause issues as the area around the site is covered either by resident parking areas or TROs such that there is very limited on street parking that can be legally used.

### Cycle parking

4.32 It is proposed to provide cycle parking at ground floor level with several visitor spaces also provided within the private courtyard. 204No. cycle parking spaces are currently proposed (1 space per 1 or 2 bed apartment and 2 spaces per 3 bed apartment). These spaces are split over five secure covered cycle stores that are accessed from the courtyard.

4.33 Officers are concerned with regards to the quality of the cycle parking as proposed and as a consequence, discussions are underway with the applicant. Revised plans are anticipated and Members will be updated at the meeting.

### RESIDENTIAL AMENITY

4.34 Paragraph 127f of the NPPF seeks the developments create a high standard of amenity for existing and future users. Paragraph 180 of the NPPF also states that new development should be appropriate for its location taking into account the likely effects on pollution on health and living conditions, including mitigating any impacts from noise and light pollution.

4.35 A letter of objection has been received from a resident of Block E raising concerns that the extended size of the top floor would diminish their light and would result in an open air veranda in front of their balcony increasing the potential for noise.

4.36 It is not considered that the development would have an effect on the sunlight levels experienced within Block E given that this block is to the south of the site, such that the elevation from which any light would be lost is north facing and for much of the day is in shadow. It is also not considered that the extended size of the top floor of this block of accommodation would cause a materially noticeable effect in terms of daylight on residents of Block E.

4.37 The issue of the potential for increased noise is noted but in the context of this city centre, relatively dense development, it is not considered that the introduction of outside terraces to serve the top floor units fronting Pound lane, would have a

material impact on the ambient noise levels so as to be unduly detrimental to the residential amenity of residents on the opposite side of Pound Lane. It is therefore concluded that no significant harm to residential amenity would arise from the proposed scheme.

## FLOOD RISK AND DRAINAGE

4.38 Paragraph 155 of the NPPF states that development should be directed to the areas of low flood risk and that development should be made safe for its lifetime without increasing flood risk elsewhere. Policies GP15a of the 2005 Draft Local Plan and ENV4 and ENV5 of the 2018 emerging Local Plan reflect the advice of the NPPF.

4.39 As the application site is located entirely within Flood Zone 3, a Sequential Test has been undertaken which concludes that there are no alternative sites within lower flood risk zones on which to deliver this development opportunity, and demonstrates clear sustainability advantages to the wider community that outweigh issues of flood risk on the basis that the development can be occupied safely in the event of fluvial flooding, and there is low risk from all other sources of flooding. In accordance with Paragraph 159 of the NPPF, the development has also passed the exception test.

4.40 The Environment Agency raises no objections to the proposal subject to a condition requiring compliance with the submitted FRA Addendum and agreed finished floor levels. Yorkshire Water and the Council's Flood Risk Management Team raise no objections subject to the additional conditions to cover permitted surface water discharge rates and the details of the drainage proposals. As a result, the development is considered to be acceptable in planning terms.

## IMPACT ON LOCAL FACILITIES

4.41 Paragraph 54 of the NPPF advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ('2010 CIL Regulations') sets out the statutory tests that any planning obligation must satisfy. These tests are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and, (c) fairly and reasonably related in scale and kind to the development. These tests are reiterated in paragraph 204 of the NPPF. Provision 123 of the 2010 CIL Regulations places further limitations on the use of planning obligations including that where more than five separate planning obligations have been entered into since April 2010 that provide for the funding or provision of that project or type of infrastructure, it would be unlawful to take into account in the granting to planning permission any further planning obligation relating to that project or type of infrastructure.



4.42 The application seeks full planning permission and therefore is considered as a stand alone application, with any contributions required being directly related to the development.

4.43 Education have identified that the development would generate the need for 10 primary, 3 secondary and 12 pre-school places. Financial contributions totalling £217,878 would therefore be required under Policies ED4 of the 2005 Draft Local Plan and ED6 of the 2018 Emerging Local Plan. The identified projects are intervention pods for the Fishergate school hall to manage more intense use of the school and an all weather sports pitch at Fulford School. The pre-school provision contribution would be spent within 1.5km of the Hungate development. However because of pooling regulations within the CIL Regulations the contribution towards Fulford School works is not being sought.

4.44 The required contribution of £166,122 which is based on the 196 units to be provided in Block D, is significantly greater than the contribution required at the time of the 2015 hybrid application, which amounted to £66,809 and which related to the residential units across all 4 remaining phases of the Hungate site (Blocks D, F, G and H). This increase is in part due to the requirement for a contribution towards pre-school places which was absent previously. In the context of the 2010 CIL Regulations, Officers will establish whether the revised contribution towards Education meets all of the CIL tests. Members will be updated at the Meeting.

4.45 The development would generate the need for off site sports provision in lieu of provision on site. The contribution would be spent in accordance with the City's playing pitch strategy on the provision of pitches, outdoor sport and ancillary facilities at Burnholme Community Health Hub, multi-use games area within Heworth Without; and improvements to Hull Road Park buildings. A financial contribution of £63,900 is requested based on the size of the development and mix of dwellings.

4.46 Similarly the development would generate the need for off site amenity and play space in lieu of provision on site as per the previous applications for the development. A financial contribution of £100,004 is requested and would be spent on the following projects;

- the expansion of teaching and workshop facilities at St. Nicholas Fields.
- children's themed educational planting and interactive at Museum Gardens;
- woodland and beck side adventure and educational play at St Nicholas Fields; and
- children / teenager skills and challenge course at Foss Islands Path;

## HOUSING AND AFFORDABLE HOUSING

4.47 The proposal would deliver much needed housing for the City, with the majority being 1 and 2 bedroom properties (99 x 1 bedroom and 90 x 2 bedroom). The remaining 7 dwellings would have three bedrooms. This compares to the extant 15/01709/OUTM scheme which provided 97 x 1 bedroom, 81 x 2 bedroom and 8 x 3 bedroom properties.

4.48 The NPPF states that local planning authorities should set policies for meeting identified need for affordable housing on site. To that end the Council seeks to ensure that new housing development of 15 dwellings or more in the urban area will include affordable housing.

4.49 In considering the 2015 hybrid application, a viability appraisal was undertaken by the District Valuation Service (DVS) covering the remaining phases. The appraisal report concluded that 16-18% affordable housing was appropriate and further to detailed discussion and negotiation, a level of 17% affordable housing was agreed by the applicant and the Council as a way forward. This approval lasts until April 2020, after which there will need to be a re-appraisal or acceptance of 20% affordable housing. Taking this approval into account and in the absence of a new viability appraisal, the applicants and Officers have agreed to 17% affordable housing for the 186 units as approved with 20% affordable housing for the additional 10 apartments.

4.50 Any approval is subject to the signing of a Section 106 Agreement to cover the above matters, to include any necessary consequential variations being made to the original Section 106 obligation.

## 5.0 CONCLUSION

5.1 This application seeks permission for revised proposals for Block D, a part six / part seven storey building comprising 196 residential apartments. Whilst there is an extant full permission, the scheme under consideration is a stand alone application and has been assessed on its own merits.

5.2 One of the key revisions to the extant scheme is an increase to the footprint of the top floor accommodation. The visual impact of this revision relates to streets that are part of the Hungate masterplan development area, and as such Officers consider it to be an acceptable increase.

5.3 In terms of elevational treatment, Officers had raised concerns throughout the application process over the level five (six storey) elevation design. The latest revisions are considered to address these concerns by including a good degree of modelling to this level to make the overall building appear as a genuine series of modulated bays. In general terms and in the context of this being a large and visually imposing building, Officers consider the elevations to be well composed with

the design components handled with a generally pleasing rhythm and used consistently and logically.

5.4 The scheme involves the removal of the basement car park, representing a net reduction of 44 spaces site-wide. Whilst concerns have been expressed that the implications of this reduction are that Hungate residents will park elsewhere (outside of the site) to the detriment of the Guildhall ward local residents, Highways Officers have confirmed this to be unlikely given that the area around the site is covered either by resident parking areas or TROs such that there is very limited on street parking that can be legally used. With respects to cycle parking, amended details, which improve the quality of the provision, is awaited.

5.5 With reference to the impact on undesignated heritage assets (archaeological features and deposits), the harm to result is considered to be less than substantial and is outweighed by the economic and social benefits of the development in terms of the provision of new housing and the opportunity it presents for regeneration in the area, and has been mitigated by the measures detailed in the WSI. In the context of Paragraph 199 of the NPPF, the ability to record evidence has been considered as part of the planning balance in deciding whether the harm should be permitted, but has not been a decisive factor.

5.6 It is not considered that the changes to the proposed scheme for Block D will impact on either the sustainable aims of the development proposals, nor is it considered that the changes will have an adverse impact on the existing amenities of neighbouring occupiers or the amenities of occupants of this development.

5.7 In accordance with EIA regulations and procedure, an ES Update (December 2018) has been prepared to consider the environmental implications of this revised scheme for Block D in the context of its position within the wider Hungate development site, and to assess the potential for the latest design proposals to result in new or amended environmental effects. The ES Update (December 2018) identifies that the proposed development will result in no change to the overall conclusions reached in the original ES (July 2015), as updated by the ES Addendum (August 2017), which concluded that the development proposals would not have significant adverse impacts on the environment or other amenity considerations. The development would fulfil the roles of sustainable development outlined in the NPPF and would otherwise accord with national and local planning policy.

5.8 Any approval is subject to the signing of a Section 106 Agreement to cover the following matters, to include any necessary consequential variations being made to the original Section 106 obligation.

- (i) Affordable housing – provision of 17% affordable housing for the 186 units as approved with 20% affordable housing for the additional 10 apartments.

- (ii) Education – a contribution of £82,806 towards intervention pods at Fishergate Primary school and £83,316 towards pre-school provision.
- (iii) Off-site sports provision – Financial contribution of £63,900 towards improvements to Hull Road Park buildings, changing and ancillary facility improvements and additional sports facilities at Burnholme Community Health Hub; and multi-use games area within Heworth Without.
- (iv) Off-site amenity and play space provision – Financial contribution of £100,004 towards projects at St. Nicholas Fields, Museum Gardens and Foss Islands Path.
- (v) Sustainable Travel - Payment to the occupier upon first occupation of each residential unit either a travel pass or a non-transferable voucher to be used to purchase a bicycle.
- (vi) Car Club payment of £37,200.

5.9 With the exception of the contribution towards Education (reference paragraph 4.44, update to be provided at the Meeting), these contributions are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development,

And therefore comply with Regulation 122 of the 2010 CIL Regulations. These contributions would also comply with Regulation 123.

5.10 In light of the above, the proposal, subject to conditions and planning obligations, is considered to be acceptable in planning terms and complies with national and local planning policy.

## **6.0 RECOMMENDATION:**

- (i) Permission be granted subject to:
  - a. Prior completion of a Section 106 agreement to secure the following obligations:
    - **an education contribution;**
    - **affordable housing** – provision of 17% affordable housing for the 186 units as approved with 20% affordable housing for the additional 10 apartments;
    - **off-site sports provision** – financial contribution of £63,900 towards improvements to Hull Road Park buildings, changing and ancillary facility improvements and additional sports facilities at Burnholme Community Health Hub; and multi-use games area within Heworth Without.

- **off-site amenity and play space provision** – financial contribution of £100,004 towards projects at St. Nicholas Fields, Museum Gardens and Foss Islands Path.
  - **sustainable travel** - payment to the occupier upon first occupation of each residential unit either a travel pass or a non-transferable voucher to be used to purchase a bicycle.
  - **car club** payment of £37,200;
- b. Prior completion of any necessary Section 106 Deed of Variation (referred to in paragraph 5.7 above); and
- c. The conditions outlined in the officer's report [and update].
- (ii) The Assistant Director for Planning and Public Protection be granted delegated powers to determine the education contribution to be secured in the Section 106 Agreement;
- (iii) The Assistant Director for Planning and Public Protection be granted delegated powers to finalise the terms and details of the Section 106 Agreement and any necessary Deed of Variation to the existing section 106 agreement as set out in this report; and
- (iv) The Assistant Director for Planning and Public Protection be granted delegated powers to determine the final detail of the planning conditions.

1 TIME2 Development start within three years

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

16058-P0701-- GA Redline Boundary Plan

16058-P0751-A GA Proposed Site Plan

Design and Access Statement (Revision R6 April 2019)

Technical response note by Waterman re Flood Plain, dated 22 February 2019 (ref WIB15079-100-190221-PO-190222)

FRA Addendum (WIB15079-100-R-26-1-2-FRA Addendum)

Floorplans:

16058-P1010-\*\*\*\*\*C GA Level 00 Plan

16058-P1011-B GA Level 01 Plan

16058-P1012-B GA Level 02 Plan

16058-P1013-B GA Level 03 Plan

16058-P1014-B GA Level 04 Plan

16058-P1015-B GA Level 05 Plan

16058-P1016-B GA Level 06 Plan

16058-P1017-B GA Level RP Plan

Elevations:

16058-P1151-A GA South East Ele 01  
16058-P1152-A GA South West Ele 02  
16058-P1153-A GA North West Ele 03  
16058-P1154-A GA North East Ele 04

16058-P1160-B GA North West+North East Courtyard  
16058-P1161-B GA South East+South West Courtyard

Sections:

16058-P1170-B GA Indicative Site Sections  
16058-P1175-B GA Section A-A  
16058-P1176-B GA Section B-B

Landscaping:

16058 DA Statement R6 Landscaping Plan  
D0343\_002 A \*\*\*Landscape Hardworks and Softworks Ground Floor

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

3 No advance infrastructure and enabling works (including, but not limited to, any works of demolition) shall commence until details of the proposed Advance Infrastructure and Enabling Works have been submitted to and approved in writing by the Local Planning Authority.

The Advance Infrastructure and Enabling Works shall be carried out in accordance with those approved details. For the avoidance of doubt, the approved Advance Infrastructure and Enabling Works are subject to those conditions requiring details to be agreed prior to the approved works being undertaken relating to: a programme of works (condition 11) and submission of a Construction and Environmental Management Plan (condition 21) relevant to the Advance Infrastructure and Enabling Works.

Reason: To ensure that the discharge of conditions does not unreasonably interfere with the development of the site.

4 Prior to the construction of any works above the ground floor slab, large scale detailed drawings of the items listed below shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

(i) Building sections and part (i.e. single bay) elevations through different key fenestration types. This should include sufficient information to understand the proposal so should include, for example: (windows) look-a-like glazing & window opener types; (cladding panels) types & joint positions; (sheet cladding) seam width & laying direction.

(ii) Component details to include (windows) vertical and horizontal sections through window reveals, heads and sills; (soffits) underside treatments to overhanging roofs or tunnels; (balconies) plan, elevation & section to projecting or inset types.

Note: Brick window reveals should be typically 150mm to 215mm (reveal from window frame to building face) in accordance with established site-wide design principles for Block E and punch-hole windows in cladding will be expected to be similar reveal depths.

(iii) 1:20 scale detailed drawings to be provided for approval for all balcony types, privacy screens and parapets and guarding including the guarding between private terrace and green service flat roof.

(vii) A detailed study of the primary entranceway into the courtyard to include provision of architectural detailed drawings at a 1:20 scale for important associated components.

(viii) Detailed drawings (1:20) for the service openings to include doors, any associated louvres and artwork.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

5 Prior to the construction of the external walls of the development, details of large scale workmanship sample panels to be erected on site to include;

(i) Brickwork: 2m x 2m sample panel of brickwork to illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and:

(ii) Seamed cladding: 3 seams wide sample panels so as to understand the proposed jointing type and method shall be submitted to the Local Planning Authority for approval in writing. The approved panels shall be erected on site prior to the construction of the external walls and shall be retained until a minimum of 2 square metres of wall 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 so as to achieve a visually cohesive appearance.

6 Prior to the construction of any works above the ground floor slab (the  
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superstructures), notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials (which shall include samples for the service openings), shall be submitted to and approved in writing by the Local Planning Authority. The development shall only 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.

7 Prior to the construction of any works above the top floor slab, details of the lighting for the development, including the roof, shall be submitted to and approved in writing by the Local Planning Authority in advance of the lighting installation and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

8 Prior to the construction of any works above the top floor slab of the development, details of the location and type of any fixed and/or permanent equipment proposed for access and maintenance shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

9 Prior to the construction of any works above the top floor slab, details relating to ancillary protrusions above the roof plane required for servicing such as ducts, chimneys and access hatches except those less than 1m high and over 2m from the edge of the building shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the satisfactory appearance of the development.

10 Prior to the construction of the external walls of the development, a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority and such scheme shall include and provide for;

(i) A timetable for the carrying out of all the hard and soft landscaping works related to the development, such works to commence not later than six months after the



substantial completion of the development and in accordance with the landscaping plans listed in condition 2. This will include details of the requirement for an interim landscaping scheme for St John's Square to be provided in the event that the commencement of construction of Block H is delayed beyond 2 years of the first occupation of either Blocks D or F, whichever is the later.

(ii) Edge of building buffer zone treatment such as private external terraces including soft and hard landscape

(iii) updated soft and hard works details at the corner of Black Horse Lane and Dundas Street.

(iv) The final approved landscaping scheme in relation to St. Johns Square, as detailed on Drawing No's D0248\_010\_D and D0248\_012, shall be implemented within a period of six months of the completion of the final Block and completed within six months of the substantial 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.

Reason: The landscape scheme is integral to the amenity of the development. The development is large scale and will take years to build out. The constraints of the site mean that the final approved landscaping scheme cannot be implemented until the final Block has been completed, as part of the area will be required to be used as a site compound during construction. An interim landscaping scheme is required to be in place for those occupants of completed blocks in the interests of visual amenity.

11 Prior to the commencement of development of the Block and any advance infrastructure and enabling works approved under condition 3 being undertaken, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works or the approved advance infrastructure and enabling works as the case may be, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- a scheme for signing the promoted construction traffic routing
- where materials will be stored within the site.

The works shall be carried out in accordance with the approved method of works statement.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

12 Prior to the construction of any works above the ground floor slab, details of the secure cycle parking areas, including means of enclosure, position, design, materials and finishes, shall be approved in writing by the Local Planning Authority. The block shall not be occupied until the cycle parking areas and means of enclosure (including the public cycle parking areas within that block) have been provided in accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To ensure adequate space for such storage, and to promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

13 No gate/door/window shall be fitted so as to open outwards over the adjacent public highway, or in the case of garage doors to protrude forward of the face of the garage.

Reason: In the interests of highway safety and to prevent inconvenience and obstruction to other highway users

14 Full details of the proposed CCTV facilities shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details, prior to any part of the development being brought into use.

Reason: In the interests of safety and visual amenity.

15 Prior to the occupation of the development hereby approved, a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local and national guidelines and the submitted Travel Plan dated 22/07/2015. The development shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan as approved

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of

vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

16 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq 8 hour (23:00-07:00) and 45 dB LA Max (23:00 - 07:00) in bedrooms and 35 dB LAeq 16 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. A detailed scheme shall be approved in writing by the local planning authority and fully implemented before the occupation of the development.

Reason: To protect the amenity of residents.

17 During the development of the site, all demolition and construction 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 and Bank Holidays

Reason: To protect the amenity of the locality.

18 Prior to first occupation or use of the development, the approved remediation scheme (entitled: Development Phases 2 & 3 Remediation Strategy, ref: EN6250-R-7.1.4-RA, dated: October 2007) must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

20 In the event that previously unidentified contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors.

21 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

#### NOTE:

For noise, details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration, details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting, details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as

restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the amenity of the locality

22 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

The agreed permitted surface water discharge rates are as follows:

Block D - 26.4 l/sec unrestricted to phase 1 drainage and restricted to 6.2 l/sec to proposed drainage to River Foss outfall.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

23 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

24 Except for any Advance Infrastructure and Enabling Works approved pursuant to Condition 3 and unless otherwise approved in writing by the local planning authority, no construction of superstructures of the development shall take place until measures to divert or otherwise formally close the sewers and water mains that are laid within the site in association with the development have been implemented in accordance with details that have been submitted to and approved in writing by the

Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage and to maintain the public water supply.

## **7.0                   INFORMATIVES:**

### **1. LEGAL AGREEMENT**

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development.

### **2. 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:

- pre-application discussion
- request for further information and revised plans to address issues raised;
- the use of conditions to mitigate harm.

### **3. DRAINAGE**

**EXISTING INFRASTRUCTURE** - There is a section of 110mm water main that may cross the border of the site at grid reference 460800,4517822. Whilst it does not appear (based on the submitted proposed site layout drawing no.HGD-WA-DRG-04-P751) that buildings will affect the pipe, YW will need 24/7 access to this main and structures or trees should NOT be located within 5 meters of the pipe.

For further information regarding the location of the pipe , the developer should contact [tech\\_support.engineer\\_central@yorkshirewater.co.uk](mailto:tech_support.engineer_central@yorkshirewater.co.uk).

### **4. UTILITIES**

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

#### **Contact details:**

**Author:** Rachel Tyas Development Management Officer (Tues - Fri)

**Tel No:** 01904 551610