

## COMMITTEE REPORT

**Date:** 6 June 2019                      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 18/02853/FULM  
**Application at:** Dean Court Secure Car Park Rear Of Portland Street York  
**For:** Erection of two storey block of 16no. apartments on site of existing private car park with associated cycle and refuse stores.  
**By:** Mr Cleminson  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 10 June 2019  
**Recommendation:** Delegated Authority to Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

#### Application site

1.1 The application site is located at the northern end of Bootham Row. It accommodates an overspill car park used for private/contract parking. The site is surrounded by walls which are approximately 3.7m high.

1.2 There are 2-storey houses set within landscaped grounds to the SW and a terrace of houses along Portland Street (ranging in scale and height from 2-3 storey) to the north-east. The grounds of Bootham School are to the western side of the site.

1.3 The site occupies an area of approx. 675 sq m. It is within the Central Historic Core Conservation Area. There are no Listed Buildings immediately surrounding the site and the development would not affect the setting of any Listed Buildings. The site is in an area where there is a low probability of flooding.

#### Proposals

1.4 The application is for 16 apartments, 15 would be studios; 1 unit would be larger, with 1 bedroom and private outside amenity space.

1.5 The apartments would be contained in a 2-storey building which at its highest point would be some 2m higher than the boundary wall (1.2m higher on the northern, Portland Street side). The building would have an almost flat, over-sailing roof, with sedum covering and timber soffit. The elevations are predominantly brick; the brickwork will be in keeping with the surrounding walls. The apartments would be

offset some 5m from the southern side of the site allowing space for a secure landscaped courtyard spanning the length of the site.

1.6 The scheme has been amended since submission. The original had external access to the upper floor apartments on the southern side of the building. The access are now internal and re-positioned as it was considered the original arrangement would lead to poor amenity for the ground floor units as their primary outlook would have been obscured and over-shadowed. Brickwork is also proposed to the walls, to match the locality rather than use of render.

1.7 The development has bin and cycle storage and 2 car parking spaces on the SE side (from where the site is accessed). There would be an underground storage tank to limit surface water run off which has been positioned to avoid tree roots.

## **2.0 POLICY CONTEXT**

2.1 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 the 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.

2.2 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

SS1 Delivering Sustainable Growth for York  
H2 Density of Residential Development  
H3 Balancing the Housing Market  
D1 Placemaking  
D4 Conservation Areas

2.3 Relevant policies of the Draft Local Plan 2005 are as follows -

GP1 Design  
HE2 Development in Historic Locations  
HE3 Conservation Areas  
HE10 Archaeology  
H2a Affordable Housing  
H4a Housing Windfalls  
L1c Provision of New Open Space In Development

## 3.0 CONSULTATIONS

### Internal

#### Archaeology

3.1 This site lies within the central Area of Archaeological Importance and the Central Historic Core Conservation Area in an area that has produced significant undesignated archaeological heritage assets.

3.2 The site lies close to the Roman fortress and medieval city wall, close to the line of a major Roman road, in an area known to contain Roman burials.

3.3 An archaeological evaluation was carried out nearby in Bootham School by On-Site Archaeology in May 2011 (EYO4511). Natural deposits were recorded at a depth of 1.65m below the modern ground level. Due to the location of the site and evidence from investigation at nearby sites it is probable that this site will contain a similar profile of deposits, and that Roman archaeology may survive on the site in the form of features cut into the natural, truncated by medieval ploughing at a depth of between 1.3 and 1.7m below current ground surface.

3.4 In order to mitigate the impact of the development and to record the loss of significance that will arise if the development is approved, it will be necessary to carry out an archaeological watching brief on all ground disturbances.

#### Education

3.5 As 16 x 1 bed flats only are proposed no education contribution is requested.

#### Public Health

3.6 Officers commented on the original scheme. They raised concerns over amenity due to the size of the dwellings, the lack of private amenity space and outlook and the low level of cycle and general storage. The plans have subsequently been revised, removing external staircases which will provide more natural light and better outlook to the proposed dwellings.

#### Public Protection

3.7 Seek electric vehicle charging points to be provided and for a construction management plan to be approved and adhered to during construction. A site investigation and, if necessary remediation, are also required through condition.

## Sport and Leisure

3.8 Officers have asked for £3408 as an off-site sport contribution. This would be used at Clarence Gardens Bowls Club and the development of York Hospital Bootham Park pitches.

## External

3.9 Officers note that these comments are on the original scheme.

## Guildhall Planning Panel

3.10 Object - The density of this development is far too high and not in accordance with the neighbouring properties. There is no guarantee that the properties will be available as low cost housing rather than holiday lets.

## North Yorkshire Police - Secure by Design Officer

3.11 Officers asked for further consideration of the following items to improve the safety and security of the scheme -

- Demarcation of defensible space
- Access control to rear of building
- Allocation of car parking spaces to prevent conflict
- Provision of security lighting - all external doors, including the cycle store and refuse/recycling store, should be illuminated with vandal resistant security lighting, operated by a photocell sensor.
- Cycle store - content with secure cycle storage - Sheffield type stands should be included as indicated on the plans.

## York Civic Trust

3.12 No objection in principle to re-development of the site but raise concerns over the adverse impact on neighbouring heritage assets and identified vistas and over social amenities resulting from the profile of the scheme.

- The design is not in keeping with the architectural character of either the Bootham Park Hospital or Gillygate Character Areas.
- The slim nature of the site is ill-suited to the proposed long terrace structure.
- Concern as to how fire services would be able to access the majority of the units, lack of parking provision, and fears that poor accessibility and visibility might attract crime.

## Yorkshire Water

3.13 The developer is proposing to discharge surface water to public sewer. The developer was asked to provide evidence to demonstrate that more sustainable options; surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. Note that adequate justification has now been provided which explains why surface can't be direct to a watercourse and why infiltration/soakaway is not possible at this site due to Building Regulations.

3.14 Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will also be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

### Publicity

3.15 There have been 3 comments from neighbours. Observations were as follows -

- The building would lead to more light loss (due to being approx 1.2 m higher than the existing wall). Even though the roofline of the new development is raked downwards, it will take away around a metre of the skyline to neighbouring premises on Portland Street and there will be considerable loss of light in winter (when it is at a premium).
- Roof-lights would cause overlooking and noise.
- To the east of the proposed development there is a 1st floor roof terrace which will look directly in to the garden of No.9. This should be removed to prevent overlooking and loss of privacy.
- There are comments in favour and against the green roof. Those against would prefer a material more in keeping with the area and note green roofs tend to fail (or do not look as green/lush as anticipated but rather unkempt and ugly).
- It is asked whether the tree in Bootham Row would be lost to allow the scheme.
- There are inadequate spaces in the local residents parking area to accommodate development (officer's note that the site is not in R14 which is the local area i.e. future residents would not be able to apply for permits).

## **4.0 APPRAISAL**

### Key Issues

4.1 The Key Issues are as follows

- Principle of the proposed use
- Character and Appearance of the conservation Area

- Amenity of surrounding occupants
- Amenity of future occupants
- Drainage
- Archaeology
- Sustainable design and construction
- Highways
- Affordable housing
- Off site open space

## Assessment

### Principle of the proposed use

4.2 According to section 5 of the NPPF the Government's objective is to significantly boost the supply of homes. Section 11 promotes the effective use of land. It states "Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions". It goes on to state that planning decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively".

4.3 The section on Promoting Sustainable travel, in paragraph 103, states "significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health".

4.4 The site currently is underused and accommodates a private car park; this itself facilitates a method of travel which is not sustainable. The city has demonstrable housing need and this is an accessible, central, sustainable location. Policy is strongly in favour of the proposed re-use of the site in principle.

4.5 Policy H2 requires an appropriate density of development on sites to ensure the efficient use of land. The amount of development this site can accommodate is influenced by the need to protect neighbouring resident's amenity and the desire to avoid damage to surrounding trees. As such the amount of development proposed is acceptable.

4.6 Policy H3 states that "proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people". This scheme provides small

dwellings which would be low cost. Consequently the proposals do not conflict with the approach proposed in policy H3.

4.7 Affordable housing will be secured in accordance with policy H10 and this is discussed later on in the report.

### Character and Appearance of the Central Historic Core Conservation Area

4.8 The site is within the Central Historic Core Conservation Area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

4.9 The NPPF in section 16 explains how to assess the impact on heritage assets and when identified harm can be out-weighed by public benefits. It states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Local policies on conservation areas are HE2 and HE3 in the 2005 Draft Local Plan and D4 of the 2018 Publication Draft Local Plan.

4.10 The proposed building would predominantly be screened by the surrounding boundary wall. From the public realm views would be of the east side elevation and the landscaped courtyard beyond the gated access. The side elevation would comprise the brickwork of the main elevation and the single storey section of the building that would be clad in timber. The timber cladding would add visual interest and compliment the brickwork. The brickwork would blend in with its surrounds. Glimpsed views of a landscaped courtyard, including the addition of trees, would be an improvement over the existing car park.

4.11 The existing vista is of the surrounding wall, which is evidently of fairly recent construction and views of tarmac car parking area beyond the gated entrance. The gate is of functional design and the wall has barbed wire at its top in places. From public views the character and appearance of the conservation area would be enhanced.

4.12 Elevated views from surrounding houses are also of a tarmac covered area, used for parking cars. There are a row of garages to the SE of the site, running parallel to Portland Street.

4.13 The proposed use and building form is appropriate to the site. The linear building form relates to the historic and current urban grain. The low roof allows two floors of accommodation, making prudent use of the site. The roof, due to its lack of variation and with it being essentially flat, would be out of character with the prevalent roofscape (in form and materials). However there would not be harm to the character

and appearance of the conservation area due to the secluded location. Views of the roof would be from surrounding houses; the structure would just be apparent above the wall and would replace views into an open car park; this would not harm the setting. The sedum roof and introduction of planting will enhance the natural environment and biodiversity value of the site.

#### Amenity of surrounding occupants

4.14 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

#### Daylight / sunlight

4.15 The building is concentrated towards the north (Portland Street) side of the site. It would exceed the height of the boundary wall on this side by approx 1m but would be spaced the same distance from the boundary. As such there would not be a material impact on sunlight or day-light within surrounding houses and their rear gardens. On the opposite side the building is to the north of neighbouring houses and would be some 5m from the boundary. It would have no material impact on sunlight or day-light.

#### Overlooking

4.16 Neighbours on Portland Street have raised concerns about overlooking from the first floor outside amenity space. This space has been designed to avoid overlooking, due to the solid wall on the north side, the means of enclosure on other sides, which will be a mix of timber cladding and planting, and by setting the means of enclosure in from the edge of the roof.

4.17 On the south side of the proposed building there would not be views into the communal gardens in Bootham Square because of the boundary wall. 1st floor windows between dwellings would be some 14m apart. The windows at the rear of houses on Bootham Square serve bedrooms. The level of separation would be acceptable for an inner city location such as this. Buildings on Gillygate for example are less than 12m apart in places.

#### Overbearing / Over-dominance

4.18 The building is only 1m to 2m higher than the existing wall and is offset from the site boundary. It would not be over-bearing or over-dominant.

#### Amenity of future occupants

4.19 The outlook from the dwellings would be south towards the proposed private courtyard. The scheme has been amended to remove obstructions from ground floor windows. The scheme would create an intimate development with a secure and fairly



tranquil setting, in particular for a city centre site. Such a space would encourage social interaction which is promoted in section 8 of the NPPF. Officers are content with levels of amenity for future residents in this respect. The landscaping and the covered and secure cycle store will be secured through condition.

### Drainage

4.20 National policy on drainage / flood risk is to ensure developments are reasonably safe from flood risk and do not increase such risk elsewhere. Local policy in the Strategic Flood Risk Assessment explains drainage and flood risk requirements, including to allow for climate change and to avoid increased flood risk off site.

4.21 The site is not at risk of river flooding. The surface water run-off will be restricted to prevent increased flood risk elsewhere. Run off rates will be in accordance with local requirements (a reduction of 30%); secured through condition. The use of storage onsite and restricted connection into the public sewer is appropriate because a there is not space for a soakaway system at this site and there is no watercourse to directly connect into. Building Regulations dictate that a soakaway cannot be used within 5m of a building or road, 2.5m of a boundary.

### Archaeology

4.22 Policy D7 of the Emerging Local Plan requires an understanding of archaeology affected, to avoid substantial harm (preserve 95% of deposits) or where there would be harm, undertake adequate mitigation.

4.23 An understanding of archaeology in the area in part derives from investigation at the neighbouring Bootham School where evaluation was carried out by On-Site Archaeology in May 2011. Natural deposits were recorded at a depth of 1.65m below the modern ground level. Based on understanding of archaeology in the locality officers are content that a watching brief on groundworks (followed by submission of an evaluation of the works) is adequate and can be secured through condition.

### Sustainable design and construction

4.24 Publication Draft Local Plan Policy CC1 asks that new buildings achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. Policy CC2 requires energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. These policies do acknowledge consideration of wider issues is required when considering the impact, such as historic character. These policies should be given moderate weight given the advanced stage of the emerging Plan's preparation, and the lack of significant objection to these emerging policies.

4.25 The applicants have provided an energy statement specific to the scheme. This predicts that through design of the building fabric (thermal performance, air permeability) and by reducing demand for lighting and restricting water use, the scheme can achieve a reduction in energy use of up to 15% compared to current building regulations. In addition the use of PV panels on the roof could be practical and viable as a low/zero carbon technology.

4.26 The energy efficiency measures can be secured through condition although the extent of PV panels will be limited because of the need to accommodate roof-lights which are necessary for natural light gain (which will contribute to reducing energy demand) because the building would be single aspect.

### Highways

4.27 The NPPF states that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.28 The NPPF goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.29 The scheme is acceptable on highways grounds due to the following -

- Due to the central location, the size/type of dwellings proposed and availability of alternative and sustainable means of travel low parking provision is acceptable here. Electric vehicle charging facilities and secure covered cycle parking (17 spaces) will be secured through planning conditions.
- The bin store has been located at the front of the site and is therefore practical for waste collection.
- The scale and type of development means there would be a negligible impact on the highway network.

### Affordable housing

4.30 Publication Draft Local Plan policy H10 requires 20% affordable housing (3 dwellings) at this site (applicable for schemes of 11 or more dwellings). In this case due to the size/type of the units which are mostly studio (only 1 is has a separate bedroom) an off site contribution is preferable and has been agreed. The level of

contribution will be calculated as the difference between the transfer price and the market value of the dwellings (this option, detailed in policy H10, is reasonable for this scheme due to the size of dwellings proposed; rather than requiring a fixed rate based on the average York property price). This obligation would be compliant with the CIL regulations (part 11) being directly related to the development, reasonable and necessary.

### Open space

4.31 Local Supplementary Planning Guidance advises that due to the size of the dwellings proposed contributions may be sought toward amenity space and outdoor sports provisions. National guidance in the NPPG explains when obligations should be sought and pooling restrictions.

4.32 There is a considerable amount of amenity open space on site; some 94 sq m although this falls short of the requirement based on the 2017 Open Space Audit which requires 40.5sq m amenity space per 1 bed dwelling.

4.33 There is a deficit of sports facilities in the Ward (based on the 2017 Open Space and Green Infrastructure Update). Officers have sought £3,408 as an off-site sport contribution. This would be used at Clarence Gardens Bowls Club and the development of York Hospital Bootham Park pitches. This requirement is regulation compliant as the level of contribution is reasonable, the sites are local and the pooling restrictions would not be breached.

4.34 Considering numerous material factors - the site location and nearby amenity open spaces, pooling regulations and the need to identify a scheme that is reasonable and directly related to the development, given the space for new facilities in the Guildhall Ward, a contribution towards amenity open space is not sought.

## **5.0 CONCLUSION**

5.1 Approval is recommended, subject to conditions and completion of a legal agreement to secure contributions towards affordable housing and open space, to make the scheme compliant with the relevant policies contained within the NPPF.

- The scheme is acceptable in principle, providing needed housing in a sustainable location at an under-used site in accordance with sections 5 and 11 of the NPPF.
- In accordance with sections 12 and 16 of the NPPF the scheme is acceptable on design grounds, considering its functionality and its impact on the conservation area and neighbour's amenity. Conditions can be used to ensure the development is sustainable.

## **COMMITTEE TO VISIT**

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## 6.0 RECOMMENDATION:

(i) Permission be granted subject to:

- a. Prior completion of a Section 106 Agreement to secure off site contributions towards affordable housing and sports facilities. The affordable housing payment will be for 3 dwellings and the amount calculated as the difference between the transfer price and the market value of the approved dwellings. The off site sports payment would be used at Clarence Gardens Bowls Club and the development of York Hospital Bootham Park pitches.
- b. The conditions outlined in the officer's report (and any update)

(ii) The Assistant Director be granted delegated powers to finalise the terms and details of the Section 106 Agreement

Conditions of approval -

1 TIME2 Development start within three years

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

CLE-309-005 10B - Site plan

CLE-309-005 11B - Proposed plans

CLE-309-005 12B - Proposed elevations

103 p2 - Proposed drainage strategy (Dudleys drawing)

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

3 Investigation of Land Contamination

Prior to any groundworks commencing an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

- an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland
  - and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

#### 4 Land contamination - Submission of a Remediation Scheme

Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

#### 5 Construction Hours

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public

holidays.

Reason: To protect the amenities of adjacent residents.

## 6 Archaeology - watching brief

No groundwork work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

## 7 Tree Protection

Prior to any groundworks on site details of tree protection measures for the Lime tree to the south-west of the application site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

The details shall include consideration of groundworks, including installation of services, and the re-surfacing works. (It is noted that the submitted arboriculture report recommends that to ensure tree roots are not damaged during the resurfacing the parking area will be surfaced over a cellular confined system which is to be specified within a separate Arboricultural Method Statement).

Reason: In the interests of good design as required by paragraph 127 of the NPPF; to avoid damage to any trees which have amenity value and make a positive contribution to the character and appearance of the conservation area.

## 8 Drainage

Prior to the commencement of construction details of site specific foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Details shall include the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: In accordance with section 14 of the NPPF, so that the Local Planning

Authority may be satisfied with these details for the proper and sustainable drainage of the site.

## 9 Materials

Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. 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: In the interests of good design and the character and appearance of the conservation area, in accordance with NPPF paragraphs 127 and 185.

## 10 Large scale details

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 construction and the works shall be carried out in accordance with the approved details.

- Timber cladding - Setting out and details of finish.
- Outside amenity space to unit 16 - details of the means of enclosure in context.

Reason: In the interests of good design and the character and appearance of the conservation area, in accordance with NPPF paragraphs 127 and 185.

## 11 Sustainable design and construction

Details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation and the development shall be carried out in accordance with the approved details.

The details shall explain how this will be achieved either through efficient building fabric and/or low or zero carbon technology. Where low or zero carbon technology is proposed details of any visual impact on the building shall be included in the details.

The development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

## 12 Remediation scheme - Verification of works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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.

## 13 Landscaping

The development shall not be occupied until the species and stock size of the proposed trees (as shown on the approved plans) have been approved in writing by the Local Planning Authority.

The approved details and the landscaping scheme, as shown on the approved plans, 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 completion of the 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 alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the conservation area and residential amenity.

## 14 Storage facilities (cycles and waste)

The covered and secure cycle parking facilities and waste storage facilities shall be provided in accordance with the approved plans prior to first occupation of the development hereby approved. The cycle storage shall have lockable doors and the internal space shall have facilities for locking cycles (using Sheffield type stands or similar).

External doors to the cycle store and refuse/recycling store, shall be illuminated with vandal resistant security lighting, operated by a photocell sensor.

Reason: In the interests of visual and residential amenity and to promote sustainable



travel in accordance with paragraphs 108 and 127 of the NPPF.

## 15 Electric vehicle charging facilities

Prior to occupation of the development hereby permitted each off street parking space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable.

Reason: To provide facilities for charging electric vehicles in line with NPPF paragraph 110.

INFORMATIVE: All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

## 16 Reporting of Unexpected Contamination

In the event that unexpected 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, which is subject to the approval in writing of 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.

## **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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans to make the design acceptable and through negotiation on conditions and S106 legal agreement.

#### 2. CONTROL OF POLLUTION ACT

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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

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