

## **COMMITTEE REPORT**

**Date:** 12 April 2012                      **Ward:** Heworth  
**Team:** Major and                              **Parish:** Heworth Planning Panel  
    Commercial Team

**Reference:** 11/03269/FULM  
**Application at:** Yearsley Bridge Adult Training Centre Huntington Road York  
    YO31 9BN  
**For:** Erection of 32 dwellings, 1no retail unit and 1no veterinary surgery  
    following demolition of existing buildings  
**By:** Andy Cramer and Jeremy Binnian  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 24 February 2012  
**Recommendation:** Approve

### **1.0 PROPOSAL**

#### **Application site**

1.1 The application site is almost rectangular and gradually slopes downward to the south. On site there is a 2-storey building facing Huntington Road, which is of domestic appearance, setback around 10m from the street and has a garden setting. Behind are a group of single storey buildings and an area of hardstanding which previously served as car parking. At the south end of the site are a grassed area and a further car parking area. There are a row of tall Poplar Trees along the eastern boundary. There is an access road within the site which is used by the newly constructed ambulance station to the west of the site. Along Huntington Road there are 2-storey houses to each side of the application site. Kirkham Avenue, a residential cul-de-sac backs on to the site to the east. There is a playground, beyond the Poplar trees to the southwest, beyond a grassed area to the south of the site are residential blocks, 3-storey in height. This grassed area is within flood zone 3.

#### **Proposals**

1.2 Planning permission is sought for a mixed use development. There would be two single storey buildings at the Huntington Road end of the site; a retail unit and a veterinary unit, each with their own car parking and servicing areas. Behind would be 32 houses. The houses would be 2-storey in height: 15 x 2-bed, 15 x 3-bed and 2 x 4-bed. Of the 32 houses, 8 would be affordable units: 4 of these would be 3-bed, 3 x 2-bed. The land at the south end of the site would become public open space, which would be handed over to the council. There is a proposed legal agreement submitted with the application which includes delivery of the affordable units, contributions of £17,091 towards sports pitches and £4,648 to manage the

amenity open space, a contribution towards bus stop improvements, and provision of travel passes for future occupants.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Floodzones GMS Flood Zones 2 & 3

### 2.2 Policies:

CYH2A	Affordable Housing
CYGP1	Design
CYNE1	Trees, woodlands, hedgerows
CYH4A	Housing Windfalls
CYSP7	The sequential approach to development
CYT4	Cycle parking standards

## **3.0 CONSULTATIONS**

### Housing Development (Communities and Neighbourhoods)

3.1 Report that the amount of affordable housing is acceptable and compliant with council's brownfield target which is 25%. It is proposed 8 of the 32 homes are affordable, 5 to be rented, 3 for private sale. It was asked that these units be 'pepper potted' around the site (no more than 2 next to each other) and the affordable housing plan proposed is agreed to.

### Design, conservation and Sustainable Development

Landscape officers

3.2 The site is a landmark along Huntington Road because it provides a pleasant degree of openness and greenery, in particular the northern stretch which maintains a garden character to the side of the existing detached lodge house. This element of the site should be incorporated into any proposals.

3.3 Officers consider the boundary with Huntington Road needs to be green using hedging and large-species trees, with a substantial degree of openness about it. The Ash tree and hedges toward the front of the site should be retained (T9, H6 and H11). The existing trees at the access, a Cherry and a Lime have unfortunately been placed under a great deal of stress due to past road/car park construction and more recently utilities to the new ambulance station. Due to the poor condition of the

trees these could be removed, but they should be replaced (two for one) with large-species trees and greenery which would provide an attractive green frontage to Huntington Road to echo that further north along the boundary.

3.4 There are a limited number of good specimen trees on site, the best being the Ash, Oak and Poplars. Although much of the remaining planting is of lower individual quality per se, greater consideration must be given to the value that the overall vegetation brings to the street scene and the development site.

3.5 Officers ask for trees and vegetation to be provided along the main access road within the site. The following trees should also be retained and suitably accommodated: T1 Oak: which has the potential to provide a focal point at the end of the cul-de-sac. The Cotoneaster T15 and Hawthorn T18 (behind the proposed vets) should be retained if at all possible.

3.6 A long line of tightly spaced Lombardy Poplars stand just within the northeast boundary. These form a very distinctive and attractive landscape feature due to their height and uniformity and are visible from the surrounding streets. Unfortunately the Poplars are not very compatible with housing development on this site. They pose a considerable restriction to the developable area due to the root protection area. Also because of their height and nature they would pose safety concerns, perceived or otherwise, for future residents. There may also be concerns about subsidence. The Poplars are currently in reasonable condition, but they can be problematic as they enter old age when they start to 'break out'. They lose their aesthetic appeal if they have to be reduced. Ideally all the Poplars would be retained because they are such a strong feature but this would only be suitable if the spaces either side were to remain as open areas or car park. If the removal of at least two thirds of these trees is accepted then there has to be on site mitigation for aesthetic, environmental and bio-diversity reasons.

Countryside officer

3.7 Bats are very mobile and often change their roost sites frequently, bat surveys are only valid for a limited time, after which time re-survey may be necessary to confirm the status or level of interest of the building has not changed. Officers recommend more updated, survey work should be carried out at this site (the last survey was carried out in 2008) in order to establish whether there is any evidence of recent use and to determine the current use of the site by bats.

3.8 Bat surveys carried out on site in 2007 involved a full scoping and bat potential survey. The buildings were assessed as having medium-high potential for bats due to the presence of features with potential to provide roosting opportunities, such as gaps under loose tiles and behind soffits and fascias. Because of the presence of suitable habitat, surveys were then commissioned for the following activity season and carried out during May 2008. No roosts or roosting behaviour was identified

during this time but foraging activity was recorded around the trees within the south eastern corner of the site.

3.9 Parts of the Training Centre have since become overgrown with ivy, and this can provide suitable roosting habitat or conceal further habitat features. This also provides good nesting habitat for birds. The buildings do still have potential for supporting roosting bats and there is still good quality foraging habitat within the site itself (the garden areas have become very overgrown in recent years) and also within the immediate surrounding area, particularly with the River Foss just to the west of the site.

### Environmental Protection Unit

#### Commercial premises

3.10 There is potential noise disturbance from deliveries, customer vehicle movements and external plant/equipment. Officers ask that to ensure the impact is acceptable deliveries are only between 08:00 and 18:00 and details are plant/equipment are provided for approval.

#### Residential

3.11 Officers recommend conditions which ensure that noise levels within houses and gardens meet national and council standards. A noise assessment carried out for the site found that it falls within Noise Exposure Category C during the night time. Noise was primarily from the main road, there was also noise associated with the Ambulance Station. In such circumstances national policy within PPG24: Planning and Noise advises conditions should be imposed to ensure a commensurate level of protection against noise.

3.12 Both the World Health Organisation Guidelines on Community Noise and BS8233 (Sound Insulation and Noise Reduction for Buildings: Code of Practice) recommend that to avoid sleep disturbance the LA max in a residential dwelling should not exceed 45dB(A) for single sound events. The maximum night time noise levels recorded during the survey were regularly above 73dB. Despite the glazing specification proposed by the applicants (which would reduce noise levels by 28dB) future residents would likely suffer disturbance. Officers recommend that glazing with a specification of 35dB is installed where necessary, which would limit the occasions to no more than 3 per night.

3.13 The Council's general view of provision of amenity spaces/communal areas/gardens is that the continuous noise level should not exceed 50dB(A) when measured over a 16 hour period. The acoustic report recommends that an acoustic barrier be constructed between the dominant noise source and proposed amenity areas (facing Huntington Road and the York Ambulance Station access road). The report recommends that the barrier be a 1.5m high, 19mm thick close boarded fence. It is predicted that such a barrier could provide attenuation of up to 10dB.

Thus, resultant external (continuous) noise level at amenity areas fronting the roads will be no more than 55 dB (A).

### Construction

3.14 A Construction Environmental Management Plan is requested, to manage the impact of noise, vibration, dust and waste disposal prior to and during construction. A condition is also suggested that requires piling to use a method that would lead to the least disturbance.

### Contamination

3.15 Officers have suggested conditions to deal with contamination. The site was previously used as a hospital and laundry and is located adjacent to a closed landfill site. Council records also show that the southern end of the site contains an infilled pond/ditch. The Environmental Appraisal submitted with the application includes the results of some preliminary soil sampling, which reveal a contamination hotspot in the vicinity of trial pit TP03. Officers required additional soil sampling in the vicinity of TP03 and in the areas which were not previously sampled. Gas monitoring is also required due to the adjacent closed landfill site and the onsite infilled pond/ditch. If significant contamination is detected, then cleanup work (remediation) will be required to ensure that the site is suitable for its proposed use.

### Low Emission Strategy

3.16 In line with the Council's emerging Low Emission Strategy (framework approved June 2011), development proposals should demonstrate how they are meeting 'best endeavours' for reducing emissions during both construction and operational phases. Any developer should strive to obtain as much modal shift away from private cars as possible, and aim to promote the uptake of low emission vehicles on site via provision of necessary infrastructure such as electric vehicle recharging facilities.

### Highway Network Management

3.17 Officers have commented as follows:

- Details have been requested which demonstrate that the servicing to the commercial premises can operate adequately, in particular waste collection for the veterinary unit.
- The car parking to plot 18 is close to the ambulance station and this could lead to conflict.

## Lifelong Learning and Culture

3.18 Officers have agreed to the open space contributions proposed, towards sports pitches provision and management of the on-site open space.

## Education

3.19 Officers advise that no contribution towards education facilities is required as there is presently space within schools in the catchment area. It is noted that the scheme at the Nestlé site was approved on the basis that any required education contribution would be calculated prior to occupation of any dwellings onsite because the precise number was not known when consent was granted.

## Environment Agency

3.20 No objections. Comments as follows:

- Some dwellings at the southern end of the site are located in Flood Zone 2. Flood Zone 2 is land that could flood under extreme conditions with a 0.1% annual chance of flooding. It is recommended floor levels of the dwellings within Flood Zone 2 are set a minimum of 300mm above ground level.
- EA ask to be consulted further if Yorkshire Water do not allow the foul water to be connected to the main sewer.
- The controlled waters at this site are of low environmental sensitivity, therefore EA have no comments with regards to land contamination issues.

## Yorkshire Water

3.21 Ask for the site to have separate systems for foul and surface water drainage; to be agreed by the planning authority and installed accordingly.

## York Natural Environment Panel

3.22 Advise landscaping should be to a high standard introducing a natural element into a largely human environment. There is an opportunity to de-culvert the beck and create a miniature floodplain to increase the flood capacity of the area, particularly important given the proximity to the River Foss. The Panel would advocate the retention of the poplars and other trees where possible (this could be achieved by reducing the density of the housing which would appear to be over-development).

## Planning Panel

3.23 No response to date.

## Publicity

3.24 Comments have been received on behalf of the ambulance station who will share the access road. It is asked that a solid brick wall is erected rather than houses at plots 18 and 19, which will prevent residents being disturbed by noise and ambulance headlights. It is asked that the parking spaces to plot 18 are removed to prevent cars reversing onto the access road. It is also asked that the access road be two way continuously, and that no cars are allowed to park on the road in locations where they may obstruct ambulances.

3.25 The applicants undertook a community involvement exercise prior to submission. The applicants invited local councillors, the parish council and residents of houses surrounding the site to meet and sent a newsletter to 239 homes in the vicinity of the site. A meeting was held with the occupants of 196 Huntington Road who asked whether some of the trees on site adjacent their house could be removed and whether the path between the two sites, which links Huntington Road to Kirkham Avenue was discussed (it is an adopted public footpath and will remain). 4 other responses were received. Concerns were raised about privacy, car parking in the surrounding streets and additional traffic generation. It was asked if yellow lines could be added to prevent this. There was also concern Ambulances may be obstructed by cars parked on the access road.

## **4.0 APPRAISAL**

4.1 Key issues:-

- Principle of development
- Affordable housing provision
- Design
- Amenity of future and surrounding occupants
- Sustainability
- Highway network management
- Open space and Education provision
- Drainage
- Flood risk
- Bats - protected species

## Principle of development

4.2 A mixed use including retail, veterinary surgery and houses is proposed. The proposed retail use is classed as a town centre use. The National Policy Framework advises that Local planning authorities should apply a sequential test for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Such uses should be located in town centres, then in edge of centre locations. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applications should be refused if the sequential test is failed, or if developments would have a significant adverse effect on the vitality and viability of the town centre.

4.3 The proposed retail unit would provide 446 sq m in floor space and officers understand it will replace the existing Spar convenience store on the opposite side of Huntington Road. A sequential text exercise has not been undertaken. However there is no objection to the development in principle as given its scale, it would serve the locality and would not have a material effect on the vitality and viability of the city centre or the local centres, as identified in the Local Plan.

4.4 The site is brownfield/previously developed and within a built up area. Public transport links run from Heslington Road into the city centre. As such the location is suitable for housing considering the requirements of PPS3: Housing, which sets a priority for development of previously developed land within an accessible distance of a range of community facilities and with good access to jobs, key services and infrastructure. A mix of 2, 3 and 4 bed sized houses are welcome, as these are dwelling types identified as being most needed in York's latest strategic housing market assessment.

## Affordable housing provision

4.5 The City of York Affordable Housing Viability Study 2010 advises that within urban areas, on brownfield sites where over 15 houses are proposed, the affordable housing target is 25%. Local Plan policy H2a asks for these to be split 60/40 between being for affordable rent and discounted sale.

4.6 Of the houses proposed 4 x 2-bed and 4 x 3-bed would be affordable. 5 for social rent, 3 for discounted sale. This offer would be secured through a legal agreement and is in line with Council targets.



## Design

4.7 The National Planning Policy Framework 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. This means development which:-

- will function well and add to the overall quality of the area
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- is visually attractive as a result of good architecture and appropriate landscaping.

4.8 Local Plan policy NE1 requires that when trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

4.9 The commercial premises would be adjacent Huntington Road with the proposed houses behind. The commercial premises would be single storey with brick elevations. Due to their shape and proximity to the road, they would not be typical of the traditional urban grain of development along the road. The applicants are unwilling to amend the shape and position of the buildings. The buildings would be aligned in building line with their immediate neighbours and a combination of low level planting and trees would soften their visual impact and on balance the development would not have an undue impact on the appearance of the street.

4.10 The retail store and plots 6 - 8 have been configured to allow vegetation along the east boundary in this area to be retained, including the Oak tree behind 50 Kirkham Avenue and the hedgerow and Ash tree toward the front of the site. This vegetation makes a positive contribution to the setting; its retention is desirable. 13 new trees are also proposed along the site facing Huntington Road and the Hawthorn tree, which would be behind the proposed veterinary unit is also shown as being retained. It is necessary to remove over half of the row of Poplar trees which align the site boundary to the east to enable the site to be viably developed. In mitigation planting is proposed within the area at the south of the site which will become public open space, which will enhance the appearance and bio-diversity of this area. Trees and hedges will also be added within the streets to be created. A reasonable amount of planting, combined with the retention of existing vegetation will enhance the proposed setting, by screening boundary walls, fences and car

parking. A detailed landscaping scheme, including boundary treatment will be required to be approved as a condition, as this will be crucial to deliver a scheme of acceptable appearance.

4.11 The houses are all to the east of the existing access road within the site. Due to noise levels there would be blank gable ends and boundary walls facing the access road. Trees and hedges will be required by the side of plots 18 and 32 to add interest to this route. The houses are typically arranged as a series of terraces with car parking either to the front or at/in front of garages. Where possible rear gardens back onto one another, which is preferred on security grounds. Access to the rear gardens where required will be gated and private. The houses in the surrounding area are typically 2-storey with detailing and materials which reflect the time at which they were constructed. The proposed houses would be 2-storey with gable roofs and porches. They would be predominantly brick with timber cladding used as a secondary material around/between the windows. Roof tiles are yet to be agreed. Slate tiles or red pantiles would fit with the character of the area. Concrete tiles have been proposed which can appear unduly heavy and draw attention. As such condition is proposed to agree material samples.

4.12 The residential element of the scheme is deemed to be acceptable on design grounds; the layout and house types are suitable for the site and a reasonable amount of planting will be incorporated that will add character and increase the attractiveness of the development.

#### Amenity of future and surrounding occupants

4.13 The proposed houses are all 2-storey in height. At their closest rear elevations are 9m from the ends of gardens and the closest distance between buildings would be between 57 Kirkham Avenue and plot 11 where the rear elevation of no.57 would be around 17m from the blank side elevation of plot 11. The separation distances between the proposed houses and those to the east are not as generous as those between houses to the east of the site. However they are adequate and the proposed houses would not be unduly over-bearing and would not unduly overlook neighbouring gardens.

#### Future occupants

4.14 Outlook: Separation distances between front and rear elevations are typically between 14 to 17 m which is acceptable. Headlights from ambulances would not affect residents as gardens are screened by boundary walls and there would be no openings to habitable rooms facing the access road.

4.15 Noise: Based on the findings of the noise report on average noise levels within the proposed houses would be acceptable. However at monitoring point 2 (by the vehicle access point to the ambulance station) there were 3 occasions at night time

where maximum noise levels were recorded at around 81 dB. British Standards advise that internal noise levels should not exceed 45 dB max at night, adequate attenuation will be required to ensure this standard is met, and can be secured via a condition.

4.16 Storage: it is intended that waste bins would be stored within the rear garden areas. There would be a shed in the back garden of each dwelling. The sheds would provide cycle storage space and are recognized under code for sustainable homes as being adequate for such. The dimensions of shed would be secured as a condition of approval to ensure they are fit for purpose.

### Sustainability

4.17 In accordance with the recommendations in the Core Strategy and requirements of the Interim Planning Document on Sustainable Design and Construction at least 10% of energy demand from the houses will be met by renewable resources (roof mounted solar panels) and the homes will be constructed to a Code for Sustainable Homes level 3 standard.

### Highway network management

4.18 A transport study has been undertaken and the findings were that the traffic that would be generated as a consequence of the development would not have a material impact on the highway network. Each of the houses have at least one car parking space and cycle storage. All but 2 of the 3 and 4-bed sized houses would have 2 car parking spaces and there would be 4 visitor spaces for all the houses. The retail premises would have 11 car parking spaces and space for 12 cycles. The vets would have space for 8 cars and 6 cycles. There is adequate parking for the development and it is unlikely off street parking would compromise highway safety. To encourage use of public transport the developers will offer future residents a travel pass which would allow travel within the city for a 6-month period.

4.19 An objection has been received on behalf of the ambulance station, it would prefer for the parking to plot 18 to be deleted and preferably the main access road would be continuously allow 2 way traffic. These measures would prevent any conflict with ambulances leaving the depot. As a traffic calming measure a chicane would be created by widening the footpath outside plot 18, this would slow down traffic approaching the driveway to plot 18 (where cars may be reversing out onto the road) and give ambulances leaving the depot priority. This is deemed to be a suitable layout which would reduce vehicle speeds and improve safety.

## Open space and Education provision

4.20 An area of land around 60m by 25m in area at the south end of the site is proposed as public open space. It is proposed the land is handed over to the Council to maintain and a sum of £4,648 would be provided for maintenance. The railings which presently separate the open space to the south of the site will be removed and access will also be provided from the site into the children play space to the east. A contribution of £16, 517 toward sports provision is proposed, which accords with the Council's Open Space supplementary planning guidance note. A contribution toward education provision is not required at this time as there is adequate space at schools within the catchment area to accommodate the additional demand this development would generate.

## Drainage

4.21 York's latest Strategic Flood Risk Assessment requires that surface water flows from all sites should, where practicable, be restricted to 70% of the existing runoff rate i.e. 30% reduction. This is acknowledged by the applicants and an underground storage tank would be provided on site to limit surface water run-off. Final drainage details would be a condition of approval.

## Flood risk

4.22 Plots 31 and 32 are within Flood Zone 2. The rest of the houses are not in the flood zone. Land to the south of the site (where the public open space is proposed) is within flood zones 2 and 3. Flood zone 2 has a 0.1% chance of flooding each year. York's SFRA advises that houses are appropriate development in flood zone 2, provided adequate mitigation is taken to prevent flood risk. The Environment Agency recommend that the houses within flood zone 2 are raised at least 300mm from ground level. The recommendations put forward by the EA will be secured by condition to ensure the houses are safe. In addition they should be constructed with flood resilient measures and the applicants will be informed of such.

## Bats

4.23 Local Plan policy NE7 relates to habitat creation and protection. It states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these. In new developments, measurements to encourage the establishment of new habitats should be included as part of the overall scheme.

4.24 Officers have requested that a fresh bat survey be carried out to see whether circumstances have changed since the last survey in 2008, when no bat habitats were found. Only following a survey will the correct mitigation required be known. If no bat habitats are found, replacement habitat facilities would be sought within the

proposed development, however requirements will be more arduous if bats are found. A bat survey is expected prior to committee, if not it is suggested that the decision be deferred until a survey has been implemented.

## **5.0 CONCLUSION**

5.1 An outstanding item is the required bat survey so levels of mitigation required (due to the demolition of the buildings on site which may accommodate bats) can be dealt with via a suitably worded planning condition. Otherwise the development proposed is acceptable in principle and is welcomed in that it would help deliver the type of dwellings, and affordable housing, which is recognised as being needed in the city. In addition the houses will meet the latest sustainable design and construction standards. These benefits outweigh any identified harm and the scheme would not unduly compromise highway safety.

5.2 Approval is recommended subject to findings of the requested bat survey

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years -

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

Site layout - 1286/06/01 M

Landscaping plan - Popplewells drawing 2282/3 B

House types

Contemporary Sutton - AS 1286 06 11

Fulstow - 1286 06 11E & 11P

Welton - 1286 06 08 Welton (con)

Marston - AS 1286 06 08

Garages - G100 \_ G200

Retail premises - 1308 001 001 A

Veterinary unit - 1308 001 004 D

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

3 The development shall be constructed to at least Level 3 of the BRE Code for Sustainable Homes (CSH). A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to

achieve level 3 of the Code a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve level 3 of the code. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and Paragraphs 4.1 to 4.6 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

4 No less than 10% of the development's predicted energy requirements shall be provided from on-site renewable energy sources. Confirmation of such shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the dwellings hereby approved.

Reason: In the interests of achieving a sustainable development in accordance with the requirement of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

5 VISQ8 Samples of exterior materials to be approved

6 Brickwork to the commercial premises

A sample panel of the brickwork to be used on the commercial buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their prominent location.

7 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) Doors and windows to commercial units - to include section showing openings within their reveals.
- b) Eaves/verge to commercial units.
- c) Entrance canopy to retail premises.

Reason: In the interests of visual amenity

## 8 Landscaping

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme which shall include all boundary treatment and gates and illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the 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 and its overall appearance.

9 All trees shown as being retained on Popplewells drawing 2282/3 B shall be protected during construction works in accordance with BS 5837 2005: Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and finalised construction details for the retaining wall and paving shall also be included. The development shall be implemented in accordance with the approved statement.

Reason: to ensure trees to be retained are appropriately protected in the interests of amenity.

## 10 Cycle storage

There shall be covered and secure cycle storage (at least 1 space per house) for each dwelling which shall be provided prior to occupation and retained at all times. For houses without garages cycle storage shall be provided within the rear garden areas. The storage spaces shall be at least 1.8m by 0.7m.

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 PPG13: Transport.

11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting

that Order), development of the type described in Classes A, D, E, F; of Schedule 2 Part 1 of that Order shall not be erected or constructed.

The garages shall be retained for storage use and shall not be converted into living accommodation.

Reason: In the interests of the visual amenity, highway safety and the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

## 12 Highway construction

No dwelling to which this planning permission relates shall be occupied unless or until the areas to be used by pedestrians and vehicles have been constructed in accordance with the approved plans and are surfaced, sealed and positively drained and street lighting has been provided on site.

Locations of street lights shall be approved by the Local Planning Authority and the development carried out in accordance with the approved details.

Reason: To ensure appropriate access and egress to the properties, in the interests of visual amenity, highway safety and the convenience of prospective residents.

13 The hours of delivery to and dispatch from each commercial premises shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday	08:00 - 18:00
Saturday, Sunday & Bank Holidays	09:00 - 18:00

REASON: To protect the amenities of adjacent residents

## 14 Insulation to dwellings (noise)

Unless otherwise approved in writing by the Local Planning Authority the building envelope of all residential buildings shall be constructed so as to achieve internal noise levels of 30 dB LAeq,1hour and 45 dB LAMax (between 23:00 - 07:00) in bedrooms and 35 dB LAeq1hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: In the interests of the amenity of future occupants.



15 Details of all machinery, plant and equipment to be installed at the commercial premises, which are audible at any residential accommodation, shall be submitted to the local planning authority for written approval. These details shall include maximum (L<sub>Amax</sub>(f)) and average sound levels (L<sub>Aeq</sub>), octave band noise levels and predicted noise levels at the nearest noise sensitive receivers. Details of any proposed noise mitigation measures, if required, should also be provided. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

REASON: To protect the amenities of adjacent residents

#### 16 Construction Management Plan

Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To safeguard the amenity of residential occupants in the surrounding area and in the interests of highway safety.

17 All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

REASON: To protect the amenities of adjacent residents

#### 18 Development on Land Affected by Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence on site until parts a to c of this condition have been complied with:

## a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be approved in writing of the Local Planning Authority. 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:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) 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;
- (iii) 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'.

## b. Submission of Remediation Scheme

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 approved 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 IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out

remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 19 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, 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 in accordance with the previous condition.

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.

20 The dwellings within Flood Zone 2 shall have finished floor levels set a minimum of 300mm above ground level.

INFORMATIVE: It is also recommended that flood resilient measures are considered in the construction of dwellings in flood zone 2. Further information is available from the Planning Portal. See Guidance on flood resilient design and construction.

Reason: To protect the houses from flooding in accordance with PPG4.

21 Development shall not begin until details of foul and surface water drainage

works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the proper drainage of the site, and to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

INFORMATIVE: With respect to surface water drainage, the submitted details shall incorporate the following:

- Existing and proposed ground levels and drainage routes.
- Peak surface water run-off from the development shall be attenuated to 70% of the existing rate, in accordance with a scheme to reduce run-off to be submitted to and agreed in writing by the Local Planning Authority (based on 140 l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Details of run-off rates including calculations of both the existing and proposed rates shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

## ***22 Details of bat mitigation - to be finalised following the requested bat survey.***

### **7.0 INFORMATIVES: Notes to Applicant**

#### **1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal is acceptable in principle and, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, highway safety and flood risk. As such the proposal complies with Policies SP7, GP1, GP4, GP7, GP9, NE1, T4, H2 and H4 of the City of York Development Control Local Plan.

## 2. LEGAL AGREEMENT

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

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