

COMMITTEE REPORT

Date: 5 August 2021 **Ward:** Fishergate
Team: East Area **Parish:** Fishergate Planning
Panel

Reference: 21/00116/FUL
Application at: Frederick House Fulford Road York YO10 4EG
For: Variation of condition 2 of permitted application 19/00603/FULM seeking amendments to external appearance, landscaping, internal arrangements, substation, refuse and cycle stores
By: Laura Pennington
Application Type: Full Application
Target Date: 12 August 2021
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The site is a roughly rectangular parcel of land located off Fulford Road (A19), approximately 1.2 kilometres south of York city centre. The existing vehicular access for Frederick House is via a one way loop road off Fulford Road which is shared with North Yorkshire Police who are located directly to the south of the site. To the north of the site, Kilburn Road runs parallel with the site. There is woodland to the east and beyond that Walmgate Stray.

1.2 The western part of the site, including the Guard House (fronting Fulford Road) lies within the Fulford Road Conservation Area. Two trees within this area are also subject to a tree preservation order. These are a Horse chestnut and a Sycamore. The site used to contain Frederick House, a monolithic three storey flat roof office.

1.3 Following the grant in 2020 of full planning permission for student accommodation for 368 rooms on the site, development has commenced. The ownership of the site has changed since planning permission was granted and the new owners as applicants seek to make some revisions to the scheme.

1.4 The proposal before planning committee is a variation of condition 2 (approved plans) of permitted application 19/00603/FULM seeking amendments to external appearance, landscaping, internal arrangements, substation, refuse and cycle

stores. The six student accommodation buildings will remain as four storeys in height and are referred to as buildings B to G, running roughly west to east.

1.5 In detail the proposed amendments are set out below along with the applicant's rationale for the amendments.

Building Height

1.6 Through the detailed design stage, it has become apparent that the parapet heights on the pitched roofs of Blocks E, F & G do not allow sufficient height to insulate and waterproof the buildings to Building Regulation standards. To offset any impact, it is proposed to drop the previously consented taller parapet sections or 'step-ups' on Blocks B, C & D.

1.7 Compared to the previously approved heights (19/00603/FULM) the changes will be as follows:

Block B will be reduced from 12.2 metres in height to 11.9 metres in height.

Block C will be reduced from 12.2 metres to 11.7 metres in height

Block D will be reduced from 12.2 metres to 11.9 metres in height

Block E has a varied roof height. The highest point will remain at a maximum of 13.2 metres in height but there will be a increases of up to 0.2 metres elsewhere to the roof height.

Block F will be increased from 12.8 metres to a maximum of 13.05 metres

Block G will be increased from 12.8 metres to 13.05 metres

Replacement of timber cladding with brick

1.8 In context of current industry issues with flammable building façade materials an public / investor perceptions applicant has requested the timber cladding be omitted.

Removal of Juliet balconies

1.9 They served no functional purpose as the windows / doors not being openable and would hinder the maintenance and cleaning of the windows.

Relocation of plant room

1.10 The plant room and substation have swapped locations to reduce the access distance of utilities between the substation.

Green Roof to Substation & Plant Room

1.11 The utility company has objected to the inclusion of a green roof above the sub station on the grounds of safety. As the substation and plantroom structures are proposed to swap the substation structure is now adjacent the car park of the public house. The plant room structure will be constructed with a sedum roof as illustrated in the revised landscape drawing.

Landscaping

1.12 Alterations are proposed following conversations with Fire Officers regarding turning circles at the eastern end of the access road.

Planning History

1.13 There is extensive planning history relating to the former building at the site. The planning permission for the redevelopment of the site is:

19/00603/FULM - Erection of 6no. purpose-built 4 storey student accommodation buildings (providing 368 bedrooms), associated change of use of and alterations to existing 'Guard House' building to multi-amenity use associated with the accommodation, construction of energy/plant facility, car and cycle parking, refuse/recycling storage and landscaping (re-submission of withdrawn application 18/02797/FULM) – Approved.

2.0 POLICY CONTEXT

National Planning Policy Framework

2.1 The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied.

2.2 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning

system has three overarching objectives; economic, social and environmental objectives.

2.3 Paragraph 14 advises that at the heart of the Framework there is a presumption in favour of sustainable development. Paragraph 11 states planning decisions should apply a presumption in favour of sustainable development and that for decision taking this means where there are no relevant development plan policies, granting permission unless i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Publication Draft Local Plan 2018

2.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018, with initial hearings taking place in late 2019. 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. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

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

2.6 Relevant Policies

- H7 Student Housing
- D1 Placemaking
- D2 Landscape and Setting
- D4 Conservation Areas
- ENV2 Managing Environmental Quality

2005 Development Control Local Plan

2.7 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. 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 albeit with very limited weight.

3.0 CONSULTATIONS

INTERNAL

Design and Sustainable Construction (Design)

3.1 Further to the recent re-consultation on design revisions uploaded to the planning portal dated 8th June, confirm that these are in accordance with recent applicant/CYC negotiations on design matters for this application.

Design and Sustainable Construction (Landscape Architect)

3.2 No objection to landscaping. With regard to tree protection, note their arboriculture consultant's additional note on the change to the paving under the existing trees near the guard house. Whilst I think it leaves these two trees vulnerable to harm, I accept the view taken by their expert. However the Arboricultural method statement will need to be altered to suit the proposed change. Condition required.

EXTERNAL

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3.3 The height of these buildings was a major concern in the initial responses to the original application. To seek to increase the parapet height at this stage suggests that the original proposals were at best either inadequately planned or over hopeful. Surely the architects should be required to find a solution that does not increase the height of the buildings.

4.0 REPRESENTATIONS

4.1 The application has been advertised by neighbour notification, press notice and site notice. 16 objections were received from local residents.

4.2 The issues raised in the objections are summarised below.

- Loss of light
- Buildings should be one storey lower and further away
- Height of buildings – already built
- Building shouldn't have been approved before if changes required
- Ideally whole development should be scrapped
- Timber cladding should remain
- Noise and light pollution
- Why was original application submitted if it did not comply with building regulations
- proposal to raise the height of the buildings will add around another 2 metres to that winter sunshine shadow across the neighbouring properties to the north of the site,
- in addition to reducing the visible skyline all year round
- change of materials from timber to brick
- timber is keeping with surrounding area
- should be reduced to three storeys or internal floor heights reduced
- what progress has been made on an alternative access route for students across the Stray to campus, to avoid Kilburn Road and especially the allotments.
- Questioning loss of previously approved green roof
- Over shadowing as a result of height increase and impacts in terms of light and noise

4.3 Ward Cllr D'Agorne requested the application be called to committee following the concerns raised by residents over the height increases. Ward Cllr Taylor objected to the proposal and supported the call making the following comments:

- concern over the heights,
- materials are of less concern to so long as the design is harmonious.
- The removal of the Juliet balconies might also reduce the potential for noise as well as increase safety so support that element

4.4 Following officer concerns, revised plans were submitted reducing the heights of blocks B, C and D. The revised plans were re-consulted on one objection was received.

- Reduction in heights of B, C and D does not overcome increase in heights of E, F and G
- Changes to timber cladding and design benefits not evidenced
- Examples of timber cladding elsewhere
- Lighting not on the landscape plans
- welcome the inclusion of larger trees in the planting plan & would ask that consideration be given to including some large evergreen trees and not just deciduous as building will dominate skyline in winter

5.0 APPRAISAL

5.1 This planning application is made under section 73 of the Town and Country Planning Act 1990 that relates to determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted. Given that an application under s.73 seeks to amend an approved scheme, the development itself will have been judged to be acceptable in principle at an earlier date. Consideration of the current application therefore is not about the principle of the development, but rather the impact of the proposed amendments and assessed in the light of current policy. Therefore the principle of the housing development, highways and parking will not be revisited as these aspects are not considered to be affected by the proposed amendments.

As such, it is considered that the key considerations are:

- impact on the character of the conservation area
- design
- impact on amenity and living conditions of adjacent occupiers
- trees
- sustainability LEGISLATIVE CONTEXT

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for this part of York.

5.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

IMPACT ON THE CHARACTER OF THE CONSERVATION AREA

5.4 Paragraph 197 of the NPPF states that with regard to heritage assets, (which include conservation areas) when determining applications local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.5 Paragraph 199 advises 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). Paragraph 194 states that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification.

5.6 Policy D4 of the 2018 Draft Plan advises that harm to buildings, open spaces, trees, views or other elements which make a positive contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal. Emerging Policy GI4 seeks to retain trees that make a positive contribution to a conservation area.

5.7 Part of the site lies within the Fulford Road conservation area. This part of the site includes the 'Guard House' which fronts Fulford Road. This building was included within the conservation area as it makes a positive contribution to the character of the area through sympathetic architectural language and by reinforcing the wall like characteristic of the barrack's boundary.

5.8 The proposed amendments within the conservation area primarily comprise the use of railings to the south west boundary treatment. Railings rather than a wall have been deemed necessary by the Council's Landscape Architect to prevent damage to the root protection area of protected trees. These changes have been agreed as part of the approval of planning conditions with the previous permission and are not objected to. The use of railings is considered acceptable and will preserve the character of the conservation area and protect the tree roots.

DESIGN

5.9 Paragraph 130 of the NPPF states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.10 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Paragraph 135 states Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

5.11 Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused. Emerging Policy HW7 encourages design principles including well designed streetscapes, foot and cycle paths, spaces for

communities to come together and considerations of how design impacts on crime or the perception of safety.

5.12 The revisions to the height are considered to be necessary by the applicant for building regulations purposes. Concerns have been raised from residents over whether this should have been considered by the applicant at the previous stage. However, building regulations is separate to planning requirements and for the purposes of this application it is just necessary to consider whether the revised proposal is acceptable in planning terms. The Council's Design Manager has noted that they "understand that industry-wide fire safety (and insurance) concerns about using timber on facades escalated relatively recently and it is accepted here that this was not anticipated at the time of the permitted scheme."

5.13 The height increases are modest and have been restricted to three of the six buildings. The loss of the timber cladding to parts of the buildings and its replacement with brick will decrease the variety of materials at the development. However, brick is a prevalent building material in York, including for blocks of this scale. There will still be some variety to the appearance with a mix of brick colours to the buildings. The revised material palette is considered to be acceptable. The loss of the Juliet balconies was supported by the Council Design Manager who noted that balconies were rather randomly located in the permitted scheme and did not consider their loss to be detrimental to the architectural design or internal function/amenity.

LANDSCAPING

Paragraph 131 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

5.14 Emerging Policy D2 considers landscaping and setting for design proposals. The loss of the green roof to the substation is as a result of an objection from the utility company on maintenance and safety grounds due to increase weight and holding of water on the roof, with a letter of support provided by them.

5.15 The revisions to the landscaping ensure there is a good amount of green space retained within the development. The key change is to allow for a turning

circle for emergency and service vehicles at the eastern end of the site. This will result in an increase in hardstanding area, however the applicant is utilising block paving with grass inserts and the Council's Landscape Architect is content with this. In terms of tree protection, the revised plans will retain the two mature trees adjacent to the Guard House and these will be protected by condition. The boundary treatment has been amended from a wall to railings to provide better protection for the root protection areas.

IMPACT ON AMENITY

5.16 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. Policies D1 and ENV2 of the 2018 Draft Plan consider amenity. The key issues with regard to amenity that concerns this application are noise, light and the levels of comings and goings associated with the development.

5.17 Following objections from local residents and concerns raised by officers, the design was further reviewed and the height increases have been restricted to buildings E, F and G at the eastern end of the site, with slight reductions to buildings B, C and D. The parapet height increases are less than 0.3 metres, which is a modest increase in height within the context of the site and also taking into account the distance of the buildings from dwellings to the north. Building E is staggered in design with a minimum distance from the dwellings on Kilburn Road of approximately 36 metres. Building F is set back from the northern boundary and is approximately 43 metres to the south of the houses on Kilburn Road. Building G is oriented side on to the houses on Kilburn Road with the narrower side elevation facing them. Furthermore the northern section of Building G is single storey in height 6 metres in width. It is still located approximately 42 metres from the nearest dwelling.

5.18 The length and width of the blocks remain the same and the height increase is to only three of the buildings, one of which is set well back from the boundary. Furthermore the buildings are all in excess of 35 metres south of the rear elevations of houses on Kilburn Road. The increase in height is modest, under 0.3 metres, and at a considerable distance. It is not considered to have an unacceptable impact on amenity with regard to loss of light or being overbearing.

OTHER MATTERS

5.19 Public representation was made regarding the progress of a route across Walmgate Stray for students, however this is not for consideration as the amended condition does not affect this.

5.20 A permission granted under section 73 takes the form of a fresh planning permission sitting alongside the original permission, which remains intact and unamended. Therefore the new section 73 permission should repeat the relevant conditions from the original planning permission.

5.21 The previously approved planning application at the site was subject to a section 106 Agreement which secured a number of planning obligations to mitigate the proposal. A Deed of Variation to that legal agreement will be secured to ensure that those obligations are also linked to the new permission.

6.0 CONCLUSION

6.1 Paragraph 11 of the NPPF states that for decision taking, applications should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The revisions to the design are considered to have a neutral impact on the overall design of the scheme, with a modest height increase to three buildings balanced against reductions to three other buildings. The removal of timber cladding does not adversely impact on the overall design of the scheme and the removal of the Julie balconies is supported. The landscaping changes have been considered by the Council's Landscape Architect and are supported overall. With regard to amenity, the increase in the height of three blocks is mitigated by the modest increase of the height change and their distance from the dwellings to the north on Kilburn Road. The development also retains clear gaps between the blocks preventing a terracing effect. The proposed amendments are considered to comply with the relevant policies set out in the NPPF and the 2018 Draft Plan. The proposal would also satisfy Section 72(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Authority to pay special attention to the desirability of preserving the character and appearance of Conservation Areas within its area. Approval is recommended subject to conditions.

7.0 RECOMMENDATION: Approve subject to Section 106 Agreement

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

1077-TGA-XX-XX-DR-A-0229	-	Site Location Plan
1077-TGA-XX-00-DR-A-2109	F	Substation
(415)1808-GWP-XX-00-DR-A-(PA)-0017	P05	Guard House Demolition Plan
(415)1808-GWP-XX-00-DR-A-(PA)-0018	P05	Guard House Demolition Elevations
(415)1808-GWP-XX-00-DR-A-(PA)-0019	P05	Guard House Floor Plans
(415)1808-GWP-XX-00-DR-A-(PA)-0020	P05	Guard House Proposed Elevations and Sections
1077-TGA-ZZ-00-DR-A-0220	B	Proposed Ground Floor Plan
1077-TGA-ZZ-01-DR-A-0221	A	Proposed First Floor Plan
1077-TGA-ZZ-02-DR-A-0222	A	Proposed Second Floor Plan
1077-TGA-ZZ-03-DR-A-0223	A	Proposed Third Floor Plan
1077-TGA-ZZ-04-DR-A-0224	B	Proposed Roof Plan
1077-TGA-XX-XX-DR-A-0520	B	Block B Elevations 01
1077-TGA-XX-XX-DR-A-0521	B	Block B Elevations 02
1077-TGA-XX-XX-DR-A-0522	B	Block C and D Elevations 01
1077-TGA-XX-XX-DR-A-0523	B	Block C and D Elevations 02
1077-TGA-XX-XX-DR-A-0524	B	Block E, F and G Elevations 01
1077-TGA-XX-XX-DR-A-0525	B	Block E, F and G Elevations 02
1077-TGA-XX-XX-DR-A-0526	B	Block E and F Elevations
1077-TGA-XX-XX-DR-A-0527	B	Block G Elevations
3473 101 M		Landscape Layout
1077-TGA-XX-XX-DR-A-9002	E	Cycle Parking Plan

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

2 The foul and surface water drainage works shall be carried out in accordance with the details approved under reference AOD/20/00301.

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

3 The development shall be carried out using the approved materials agreed under reference AOD/21/00037.

Reason: So as to achieve a visually cohesive appearance

4 Large scale details of the items listed below, approved under reference AOD/21/00023, shall be carried out in accordance with the approved details.

Detailed bay elevations and sections for all fenestration types including ground to roof level parts to demonstrate interfaces at scale 1:20

Window reveals and wall pane recesses at scale 1:10

Details of all fixed equipment to the exterior of the proposed buildings.

The Guard House window reveal at scale 1:10

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

5 The development shall not be occupied until a detailed landscaping scheme in accordance with the approved General arrangement and Planting strategy has been submitted to the Local Planning Authority and approved in writing. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It will also include details of ground preparation; tree planting details; paving, and street furniture. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme as approved shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme, is integral to the amenity of the development.

6 A suitably qualified arboriculturalist shall carry out regular inspections and supervision of works as necessary during development operations to ensure the proposed protection measures within the approved method statement are strictly applied and adhered to. In the first instance the appointed arboriculture consultant shall inspect and confirm that all tree protection fencing and ground protection is in place before the relevant construction starts on site. Any incidents and/or deviations from the approved AMS shall be monitored. The appointed arboriculture consultant shall record all site visits and observations and any actions taken. These records shall be made available for inspection by the Local Authority if requested.

Reason: To ensure every effort and reasonable duty of care has been exercised by the developer during the development in the interests of protecting the existing trees shown to be retained.

7 The development hereby approved shall be occupied only for the purposes of student accommodation by either students engaged at all times in full-time or part-time further or higher education courses within the City of York administrative boundary or by delegates at all times attending courses or conferences within the

City.

Reason: In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of affordable housing, in accordance with Policy H7 of the 2018 Publication Draft Plan.

8 The archaeological scheme comprises 3-5 stages of work. Every stage shall be completed and approved by the Local Planning Authority (LPA) before the condition can be discharged.

B) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under AOD/21/00027 and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

E) No development (other than demolition to present ground level) shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded

or, if of national importance, preserved in-situ.

9 A programme of archaeological building recording, specifically a written description and photographic recording of the Guard House and any other historic structures on site to Historic England Level 2 is required for this application. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

B) The programme of recording and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under AOD/20/00239 and the provision made for analysis, publication and dissemination of results and digital archive deposition with ADS will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report shall be deposited with City of York Historic Environment Record and digital archive images with ADS to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The buildings on this site are of archaeological interest and must be recorded prior to alteration or removal of fabric.

10 The detailed scheme of noise insulation measures for protecting current and proposed residents from externally generated noise shall be carried out in accordance with the details approved under reference AOD/20/00272. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

11 The details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises shall be installed or located as per the details approved under reference AOD/21/00007. 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 amenity of nearby properties and the environmental qualities of the area.

12 The lighting levels achieved at the development shall not exceed those stated in the lighting report by Desco dated: 1 September 2019 reference: 1809-60-RPT-01-External Lighting Assessment Report.

Reason: To protect the amenity of the surrounding area.

13 There shall be no external lighting between the hours of 23:00hrs and 07:00hrs by obtrusive lights (as defined in the External Lighting Assessment Report by Desco dated 3rd September 2019 as A1 and C1) at the site, other than those necessary for emergency and security lighting. A scheme outlining which lights will be switched off between these hours shall be submitted to and agreed by the Local Authority in writing before use of the site commences and the curfew implemented in accordance with the said scheme as approved thereafter.

Reason: To protect the amenity of the surrounding area

14 All means of enclosure to the site boundaries shall be provided in accordance with the details approved under reference AOD/20/00301 before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

15 Prior to first occupation or use of the development hereby approved four integrated features providing a roosting crevice for bats must be constructed across the site within the fabric of the new buildings, and four Swift nest boxes.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area.

16 The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with details approved under reference AOD/20/00272, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

17 HWAY19 Car and cycle parking laid out

18 Before the occupation of the development 1 Electric Vehicle Recharging Point shall be provided and retained in a position and to a specification to be first agreed in writing by the Council. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this. The charge points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years. The approved Electric Vehicle Recharging Point Maintenance Plan shall thereafter be implemented in accordance with its terms

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

19 The Carbon Emission Reduction Measurese shall be carried out in accordance with the details approved under reference AOD/20/00285.

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

20 LC3 Land contamination - remedial works

21 LC4 Land contamination - unexpected contam

22 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents

23 The development shall be constructed in accordance with the Construction

Environmental Management Plan (CEMP) approved under reference AOD/20/00229.

Reason: To protect the amenity of the locality

24 The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the Travel Plan approved under reference AOD/20/00301.

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

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the usage of sustainable means of transport.

25 The area shown as 'potential future cycle storage' on drawing no (415) 1808-GEP-XX-00-DR-A-(PA)-0007-P12 shall be reserved for cycle parking only at all times throughout the lifetime of the development unless it is first agreed in writing with the local planning authority that it is no longer necessary for this purpose.

Reason: To encourage the use of sustainable transport modes.

26 A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the Council, will be required for the internal highway layout and all off-site works requiring alteration, stage 1 of which was approved under reference AOD/21/00007.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

27 The front and rear pedestrian/cycle access doors to the Guard House shall be automatically operated.

Reason: To encourage the use of sustainable transport.

28 The development hereby permitted shall not come into use until the following highway works ((a) creation of shared use footway cycleway on east side of Fulford Road from the existing pelican crossing on Fulford Road north of the site to join the existing shared use footway cycleway on east side of Fulford Road south of the site and (b) extending the length of the central refuge situated on Fulford Road south of Wenlock Terrace) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

Reason: In the interests of the safe and free passage of highway users.

29 The survey of on street parking on highways within an area agreed with the local planning authority under reference AOD/20/00313 shall be carried out annually. The surveys shall be carried out to a specification and at a time agreed with the local planning authority.

Within three months of the annual survey being carried out, the developer will review the on street parking survey results and submit the review to the local planning authority to demonstrate whether the volume of on street parking in any of the areas shown on the plan has increased by more than 20% of the first annual survey as a consequence of the development.

Reason: To monitor on-street parking levels as result of the development and to determine if as a result of the development, further previously agreed measures are required to be undertaken by developer to restrict on street parking in this areas.

8.0 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:

Revised plans

2. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b)The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular

Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

3. 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

4. INFORMATIVE:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Contact details:

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