

## COMMITTEE REPORT

**Committee:** Planning Committee      **Ward:** Heworth  
**Date:** 22 February 2007      **Parish:** Heworth Planning Panel

**Reference:** 06/00073/FULM  
**Application at:** Car Park Heworth Green York YO31 7TA  
**For:** Amendment to previously approved development of 172 flats in 5 blocks (ref: 05/00478/FULM) to replace metal sheeting roofs with pitched roofs with slate finish  
**By:** Persimmon Homes Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 5 March 2007

### 1.0 PROPOSAL

1.1 This is a full planning application for the redevelopment part of the car park site for residential use consisting of 172 flats in four 5 storey blocks and 1 four storey block fronting onto the River Foss and Heworth Green. The site area is 1.2 hectares.

1.2 This is an amended scheme from that previously approved under reference 05/00478/FULM. The amendments are i) to change the roof from metal sheet cladding to a hipped shallow pitch roof and ii) to revise the basement car parking layout.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Floodzone 2  
Floodzone 3

2.2 Policies:

SP6 - Location strategy  
SP8 - Reducing dependence on the car  
GP1 - Design  
GP3 - Planning against crime  
GP4 - Environmental sustainability  
GP6 - Contaminated land  
GP9 - Landscaping  
GP13 - Planning Obligations  
GP15 - Protection from flooding  
L1 - Open spaces in new residential devts  
H2 - Affordable housing on housing sites  
NE2 - Rivers and Stream Corridors, Ponds and Wetland Habitats  
NE3 - Water protection  
H4 - Housing development in existing settlements

T2 - Cycle pedestrian network  
T4 - Cycle parking standards

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 CONSERVATION: Please condition approval of a sample of the roofing material.

3.2 ENVIRONMENTAL PROTECTION UNIT: No observations to make in respect of this application.

3.3 HOUSING and ADULT SOCIAL SERVICES: No comment provided there is no change to the affordable housing provision or car parking that goes with it.

3.4 HIGHWAYS NETWORK AMANGEMENT: Network Management  
The application whilst for the alteration to previously approved roofing materials, also proposes changes to the car parking layout.

The basement car parking is now proposed to be accessed via one junction onto the Northern section of the new James Street Link Road. Officers consider that this represents an improvement over the current approval for two means of access.

The access and basement car parking arrangements now reflect the application recently approved on the adjacent site for a Surgery and B1 office use.

Car parking is in line with the levels previously approved and as such officers raise no objections.

#### EXTERNAL

3.5 HEWORTH PLANNING PANEL: We have no objections.

3.6 PUBLICITY: The application has been advertised by neighbour letter, press notice and site notice.

### **4.0 APPRAISAL**

4.1 The siting of the proposed buildings and the number and mix of dwelling types is unchanged from the previous consent reference 05/00478/FULM granted on 4th December 2006. These proposals include alterations to the roof shape and basement layout only.

4.2 The principle of housing development on the site, siting and massing of buildings and access are established by extant consent that is currently under construction. The key issues to be considered in determining this application are the visual impact and utility of the car parking/access layout.

## DESIGN

4.3 The proposals replace the previously approved curved metal rood design with a hipped shallow pitch roof design with flat roof sections centrally to the block. The roof shapes reflect a more traditional design and flat elements would not be apparent from street level.

4.4 It is not considered that the proposed roof design would result in detriment to the appearance of the building, or the character and appearance of the adjacent Heworth and Central conservation areas.

4.5 As such the proposals are considered to comply with policies GP1 and HE2 of the Draft City of York Local Plan and the aims of PPS1 and PPG15.

## LAYOUT

4.6 The amendments to the basement parking are to accommodate parking around column positions and to amend the scheme to allow basement level access through the site to the adjoining office development (permitted under planning ref. 05/02694/FULM).

4.7 Adequate car parking is retained as per the previous approved scheme at a ratio of 1 space per unit for blocks 1 to 4 and 19 spaces for the affordable housing in block 5. Cycle parking is provided in enclosed cycle stores within the basement area.

4.8 As such the proposals are considered to comply with policies GP1, SP8, T4 and T13 of the Draft City of York Local Plan and the aims of PPS1, PPS3 and PPG13.

## 5.0 CONCLUSION

5.1 The proposed development is considered to accord with the Government guidance contained within PPS1, PPG3, PPG of making good use of brownfield land in meeting housing need, Policy H9 of the North Yorkshire Structure Plan and Policies SP6, SP8, GP1, GP3, GP4, GP5, GP6, GP9, GP15, GP13, NE2, NE3, T2, T4, L1, H2, H4, and H5 of the City of York Local Plan Deposit Draft. There are not considered to be any harmful environmental, traffic or other impacts on residents and the design and layout is acceptable.

5.2 Hence the scheme accords with national and local planning policies and the application is recommended to be approved subject to the same conditions as previous consent (ref. 05/00478FULM) and a successful variation of the previously agreed S.106 to tie the listed contributions to this amended development scheme.

- the provision of the 31units of affordable housing and associated car parking
- the provision of two replacement Bus Stops on Heworth Green
- a contingency remediation strategy with Bond
- a commuted sum of £14,812 for off site Leisure provision
- a scheme for Public Access to riverside walkway

- a construction traffic management plan.
- a £5000 contribution towards operation of a car club

**6.0 RECOMMENDATION:** Approve

- 1 TIME1 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing Number 01:34:600 revision F received 30 January 2007  
 Drawing Number 01:34:11 revision F received 12 January 2006  
 Drawing Number 01:34:12 revision F received 12 January 2006  
 Drawing Number 01:34:13 revision D received 12 January 2006  
 Drawing Number 01:34:14 revision F received 12 January 2006  
 Drawing Number 01:34:15 revision F received 12 January 2006  
 Drawing Number 01:34:601 revision C received 2 February 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

- 3 VISQ8 Samples of exterior materials to be app
- 4 HT1 IN Height
- 5 A detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs shall be submitted to submitted and approved in writing by the Local Planning Authority. 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.

- 6 LAND3 Protection of existing planting
- 7 LAND4 IN No trenches near tree trunks

- 8 The Local Planning Authority shall be notified of a start on site in order to be given the opportunity to inspect tree protection measures before demolition and/or construction work commences.

Reason:- To ensure protection of existing trees before and during development which make a significant contribution to the character of the area.

- 9 The Local Planning Authority shall be informed of the date when the approved landscape scheme secured under condition 5 above is completed on site to allow the opportunity for the approved landscape scheme to be inspected both at completion and over the five year period.

Reason:- To ensure continuity of the amenity of the development.

- 10 Implementation of the landscape works, as shown on the approved landscape plan and associated documents, shall be overseen by a chartered landscape architect. Before works start on site, the name and address of the appointed Landscape Architect shall be supplied to the Local Authority.

Reason:- To ensure quality control and full compliance with the approved Landscape scheme.

- 11 The agreed remedial strategy, report no. 1509/11, prepared by ENCIA Consulting Ltd. shall be fully implemented and works approved by the Local Planning Authority prior to any development commencing on site. Any deviation from this strategy shall be submitted to and approved by the Local Planning Authority prior to such deviation being initiated.

Reason:- In the interests of public safety.

- 12 A proposed timetable and weekly information bulletin for the remedial works shall be submitted to the Local Planning Authority prior to the commencement of those works. Additionally a detailed weekly timetable shall also be submitted a minimum of two working days prior to the commencement of each weeks work.

Reason:- In the interests of public safety.

- 13 A full validation report of the remedial works following completion of the groundwater monitoring scheme, shall be undertaken and submitted to and approved by the Local Planning Authority.

Reason:- In the interests of public safety.

- 14 If during development, further contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the applicant has submitted, and obtained written approval from the Local

Planning Authority, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason:- To ensure that the development complies with the approved details in the interests of protection of controlled waters.

- 15 Construction work approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason:- To protect Controlled Waters by ensuring that the piling method minimises the likelihood of contamination of groundwater in the underlying aquifer via pathways created during piling.

- 16 Irrespective of the plans hereby approved all balconies on the flats must be fully enclosed and separated from the internal living areas with no openings. the external glazing to any enclosed balconies must be to a standard which will ensure that occupants are not exposed to noise levels above 50dB, i.e. the WHO recommended limit for outdoor living areas. Double glazing between the balcony and interior of the apartments must be capable of ensuring that the noise levels inside living areas does not exceed 35dB or 30dB in bedrooms. A specification for the glazing to be used in connection with the balconies shall be submitted to and approved in writing by the Local Planning Authority before the use commences.

Reason:- To protect the amenity of residents from excessive noise.

- 17 The building envelope of all buildings with a facade onto Heworth Green, the new link road, Foss Bank, or Layerthorpe, shall be constructed so as to provide sound attenuation against external noise of not less than 40dB(A), with windows shut and other means of ventilation provided. A scheme of sound insulation must be submitted and approved in writing by the Local Planning Authority and fully implemented before the use hereby approved is constructed.

Reason:- To protect the amenity of occupants.

- 18 The buildings shall be constructed and insulated so as to provide sound attenuation in habitable rooms within the flats to provide maximum sound levels of 30dB LAeq (8hrs.) in bedrooms and 35 dB LAeq (16hrs.) for all other rooms. The office building shall be constructed and insulated so as to provide sound attenuation giving maximum internal noise levels of 35dB(A).

Reason:- To protect the amenity of occupants from excessive noise levels.

- 19 A detailed scheme of any ventilation to the apartments must be submitted to and approved in writing by the Local Planning Authority. Any scheme submitted must include sound attenuated ventilation louvres to provide trickle ventilation. The approved scheme shall subsequently be implemented on site

before the dwellings hereby approved are first occupied. Where the external noise levels are such that occupants could be exposed to NEC B, or C if windows were opened for the purpose of rapid ventilation or cooling, acoustic ventilation units incorporating fans should be fitted to the external walls.

Reason;- To protect the amenity of occupants.

- 20 Before construction work commences a noise management scheme shall be submitted and agreed in writing with the Local Planning Authority which shall specify the provisions to be made for the control of noise emanating from the site in accordance with BS 5228:Part 1 Code of Practice for Basic Information and Procedures for Noise and Vibration Control on Construction and Open sites.

Reason;- To protect residential amenity.

- 21 All works and ancillary operations, including deliveries to the site, shall only be carried out between the hours of 0800 to 1800 Mondays to Fridays, 0900 to 1300 on Saturdays and never on Sundays/Bank Holidays.

Reason:- To protect residential amenity.

- 22 Details of all machinery, plant and equipment to be installed in or located on the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum (LA<sub>max</sub>(f)) and average (LA<sub>eq</sub>) sound levels (A weighted), octave band noise levels they produce and any proposed noise mitigation measures. All such approved machinery, plant, and equipment shall not be used on 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 prior to occupation and appropriately maintained thereafter.

Reason;- To protect the amenity of occupants.

- 23 A scheme to prevent a dust nuisance arising as a result of works on the site must be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

Reason;- In order to protect residential amenity.

- 24 Any piling operations shall be carried out using the quietest practicable method available and local residents shall be notified in advance of the dates, times, likely duration and works to be undertaken.

Reason:- To protect residential amenity.

- 25 A scheme for the provision and implementation of compensatory flood storage works has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Environment Agency. The scheme shall be

implemented in accordance with the approved programme and details before the dwellings hereby approved are first occupied.

Reason:- To alleviate the risk of flooding.

- 26 The construction work hereby approved shall not commence until a scheme for the provision and implementation of a surface water run - off limitation has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency. The scheme shall be implemented in accordance with the approved programme and details.

Reason;- To prevent the increased risk of flooding.

- 27 FLOOD1 IN Floor levels spec to avoid flooding

- 28 There shall be no permanent raising of ground levels or storage of any material in the floodplain as defined by the 9.98m AOD contour (ie all land below 9.98m AOD as identified on the topographical survey that forms part of the application).

Reason:- To prevent increased flood risk as a result of the development.

- 29 ARCH1 Archaeological programme required
- 30 ARCH2 Watching brief required
- 31 HWAY1 Details roads,footpaths,open spaces req.
- 32 VISQ2 IN Large scale details required
- 33 HWAY7 Const of Roads & Footways prior to occup
- 34 HWAY10 Vehicular areas surfaced, details reqd
- 35 HWAY14 Access to be approved, details reqd
- 36 HWAY15 Gradients
- 37 HWAY17 IN Removal of redundant crossing
- 38 HWAY18 Cycle parking details to be agreed
- 39 HWAY19 Car and cycle parking laid out
- 40 HWAY22 Internal turning areas, details reqd
- 41 HWAY24 IN Vehicular visibility splays protected
- 42 HWAY31 No mud on highway during construction



- 43 HWAY36 Servicing within site, details reqd
- 44 HWAY39 IN Off site highway works, details reqd
- 45 HWAY40 Dilapidation survey
- 46 Prior to the development coming into use full Stage 3 Highway Safety Audit shall be carried out which shall be submitted for the written approval of the Local Planning Authority.

Reason:- In the interests of Highway Safety.

- 47 Prior to occupation of the development details of a scheme for Car Park Management, including access control, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason:- In order to ensure that the car park will operate in a satisfactory manner.

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

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

In the opinion of the Local Planning Authority the proposal, subject to the conditions and legal agreement, would not cause undue harm to interests of acknowledged importance, with particular reference to environmental, traffic or other impacts on residents and the design and layout is acceptable. Hence the scheme accords with the Government guidance contained within PPS1, PPS3 of making better use of brownfield land in meeting housing need, Policy H9 of the North Yorkshire Structure Plan and Policies SP6, SP8, GP1, GP3, GP4, GP5, GP6, GP9, GP15, GP13, NE2, NE3, T2, T4, L1, H2, H4, and H5 of the City of York Local Plan Deposit Draft.

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