

COMMITTEE REPORT

Date: 19 January 2017 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 16/02404/FULM
Application at: Imphal Barracks Fulford Road York YO10 4HD
For: Erection of 3-storey accommodation block (resubmission)
By: Mr Richard Asbery
Application Type: Major Full Application (13 weeks)
Target Date: 18 January 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 Erection of a 3-storey, L-shaped building comprising 60 units of single living accommodation for military personnel. The application is a resubmission of 15/01055/FULM for the erection of a 3-storey building comprising 126 units of living accommodation for the military. The scheme was approved by the Planning Committee on 20 August 2015.

1.2 The approved building would be rectangular on plan with the living accommodation arranged around two internal courtyards. Materials would mainly comprise beige/cream brickwork, green glazed brickwork and grey metal window frames. The current proposal is in essence a truncated version of the approved scheme in that it would provide just two of the previous four sides. Height, design and materials would be similar to the approved scheme, as would the internal layout.

1.3 The building would occupy the site of a 3-storey CBRN (Chemical, Biological, Radiological, and Nuclear) bunker of approximately 1000sqm plus an area of car parking.

2.0 POLICY CONTEXT (Also see 4.3)

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:
City Boundary GMS Constraints: York City Boundary 0001

2.2 Policies:

CYGP1 - Design
CYGP4A - Sustainability

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CGP15A - Development and Flood Risk
CYGP9 - Landscaping
CYNE6 - Species protected by law

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Archaeology)

3.1 Excavations for foundations and service connections may reveal or disturb archaeological features relating to the original barracks or earlier periods of activity. Any revealed features and deposits should be recorded through an archaeological watching brief on all groundworks.

Public Protection

3.2 No objections subject to conditions to cover construction nuisance and contamination.

EXTERNAL

Ouse & Derwent Internal Drainage Board (IDB)

3.3 No objection to the principle of the development. The applicant should be asked to clarify the final drainage strategy and prove any connectivity that they are claiming, to enable an evaluation to be undertaken in terms of flood risk. Add a condition requiring drainage details to be submitted including attenuation.

Yorkshire Water

3.4 The submitted Flood Risk Addendum does not acknowledge whether existing foul and surface water communicates with the public sewer network. We await some clarification on this point before we can comment further on surface water drainage.

Neighbour Notification and Publicity

3.5 No response.

4.0 APPRAISAL

4.1 MAIN ISSUES

Principle of development
Design

Landscape
Archaeology
Flood risk and drainage
Access and transport
Ecology
Environmental protection

THE APPLICATION SITE

4.2 Part of an Army base of 38ha on the east side of Fulford Road about one mile south of York city centre. It comprises approximately 100 buildings providing 70,000sqm of existing floorspace. The site of the proposed building is within the settlement limit of York, although some of the barracks' extensive garages and vehicular hardstandings to the east of the application site are in the green belt. The westernmost part of the base (but not the application site) lies within Fulford Road Conservation Area. The whole of the base is within flood zone 1. The site has been cleared for redevelopment.

POLICY CONTEXT

4.3 Section 38 of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt. (The application site is not within the Green Belt). Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38 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. The relevant local plan policies are set out at paragraph 2.2 of the report.

4.4 National planning policy is set out in the National Planning Policy Framework (NPPF). The essence of the framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14).

PRINCIPLE OF DEVELOPMENT

4.5 The site is in a sustainable location with good access to public transport and local services. The principle of providing more accommodation on the site has been accepted. The current proposal is in essence a reduced version of the approved scheme position

DESIGN

4.6 The National Planning Policy Framework states that good design is a key aspect of sustainable development and should contribute positively to making places better for people (paragraph 56). The barracks include a range of building types and sizes in a fairly open setting. The height, scale and design of the proposed building would not look out of place among the neighbouring buildings and the barracks in general. As previously, materials should be made a condition of approval.

LANDSCAPE

4.7 The smaller footprint of the current proposal enables six mature trees and a section of brick panelled wall to be retained. The wall and trees, which are within a wide grass verge, are typical landscape features that characterise the barracks and are visible from a well-used public footpath/cycleway through the MOD land. The reduced footprint also allows a more extensive landscape scheme to be provided.

ARCHAEOLOGY

4.8 The applicant has carried out an archaeological evaluation which indicates that there is the potential for archaeological deposits and features on the site. Any revealed features and deposits should be recorded by means of an archaeological watching brief on all groundworks.

FLOOD RISK AND DRAINAGE

4.9 The National Planning Policy Framework (NPPF) aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. The development is in low risk Flood Zone 1 and should not suffer from river flooding. The site currently drains to an IDB-controlled watercourse. Although the submitted flood risk assessment is insufficient for the council to determine the impact on the existing drainage system and downstream watercourse it shows that a proper drainage solution can be provided. Drainage details should be made a condition of approval.

ACCESS AND TRANSPORT

4.10 The development would be accessed via the main entrance to the barracks, which is on Fulford Road. Entry is strictly controlled. The site is well away from any public highway. The level of traffic generated by the proposal is unlikely to have any material impact on traffic levels or highway safety. The application does not include car parking but there is a very large car park within the barracks and close to the site of the new building. The applicant intends to provide cycle storage for the occupiers of the building but the application does not include details. Provision should be made a condition of approval.

ECOLOGY

4.11 The retention of the six mature trees will reduce any impact on the general biodiversity value of the site. At the time of the previous application the site was found to be unsuitable for bats therefore no further survey is required. An informative should be added to protect nesting birds during construction.

ENVIRONMENTAL PROTECTION

4.12 The proposed accommodation is far enough from the A19 to avoid nuisance from traffic noise. There is already living accommodation at the barracks so conditions should be attached to protect the amenity of the occupiers during construction. A site investigation is required to find out whether land contamination is present. If contamination is found remedial action will be required to ensure that the site is safe and suitable for its proposed use. This should be covered by appropriate planning conditions.

4.13 As mentioned at 1.2 above the current proposal is based on the larger proposal for which the planning permission is still extant. This 'fallback' position of being able to implement that approval is therefore a material planning consideration in considering the acceptability of this application.

5.0 CONCLUSION

5.1 The development is required to accommodate military personnel living on site. The development accords with national planning policy set out in the NPPF and relevant policies of the 2005 City of York Draft Local Plan. The Planning circumstances have not changed materially since approval of the larger development.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the approved plans numbered:

Z9A9128Y12-AHR-XX-00-DR-A-PL-001-P2 Z9A9128Y12-AHR-XX-01-DR-A-PL-002-P2 Z9A9128Y12-AHR-XX-02-DR-A-PL-003-P2 Z9A9128Y12-AHR-XX-03-DR-A-PL-004-P2 Z9A9128Y12-AHR-XX-XX-DR-A-PL-002-P2 Z9A9128Y12-AHR-XX-XX-DR-L-PL-001.

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 Within three months of commencement of the development details for the secure storage of cycles, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. Cycle storage shall thereafter provide in accordance with the approved details prior to first occupation of the approved development. 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.

5 Within three months of commencement of development a detailed landscape scheme shall be submitted to the Local Planning Authority and approved in writing. The scheme shall include the species, density (spacing), and position of trees, shrubs and other plants. The 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 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 throughout the site, since the landscape scheme is integral to the amenity of the development.

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

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

7 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

8 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. The details are required prior to commencement to ensure that no building works inhibit the proper drainage of the site.

9 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced, submitted to the local planning authority and approved in writing. The report of the findings shall 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).

The investigation and risk assessment shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination during the whole of the construction period and 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.

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

Reason: To ensure that risks from land contamination during the whole of the construction period and 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.

11 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

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

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

13 Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents throughout the construction period.

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

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

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting, details should be provided on artificial lighting to be provided on site,

along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the local planning authority would expect the CEMP to provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

14 All construction and demolition works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: To protect the amenity of local residents

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority gave pre-application advice and attached appropriate conditions to the planning permission.

2. DRAINAGE

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest

365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate 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 must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is Available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

3. BREEDING BIRDS

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period. There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website

http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx.

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