

COMMITTEE REPORT

Date: 7 June 2018 **Ward:** Heworth
Team: Major and **Parish:** Heworth Planning Panel
 Commercial Team

Reference: 17/02576/FULM
Application at: Thomas Dick Ltd Hallfield Road York YO31 7XQ
For: Erection of three storey building comprising of 14 no. residential units with associated parking, external refuse storage and private amenity areas following demolition of existing building
By: Helmsley Securities Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 30 January 2018
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Planning permission is sought for a three storey building providing 14 flats (9 x 1 bed and 5 x 2 bed). Vehicle and pedestrian access would be from Hallfield Road.

1.2 The site was previously used as a workshop and the buildings have recently been removed. The site slopes down from north east to south west towards the enclosed cycle path which runs along the rear of the site. To the north west, north and north east is residential to the east and south east are industrial uses. To the south is the James Street Caravan Site; further west is James Street, Morrison's supermarket and the Brickworks student accommodation.

1.3 There is a linear archaeological monument (Derwent Valley Light Railway) following the cycle track to the south west. The southern corner of the site is within Flood Zone 3, just under half of the site is within Flood Zone 2, and the north eastern part of the site is Flood Zone 1. The part of the site fronting onto Hallfield Road and within the application site is adopted highway.

1.4 Revised plans have been submitted altering the position of the cycle and refuse bin store and altering the position of the residential building,

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- CYGP1 Design
- CYGP3 Planning against crime
- CYGP4A Sustainability

- CYGP6 Contaminated land
- CYGP10 Subdivision of gardens and infill devt
- CYGP13 Planning Obligations
- CGP15A Development and Flood Risk
- CYNE1 Trees, woodlands, hedgerows
- CYHE10 Archaeology
- CYT4 Cycle parking standards
- CYH4A Housing Windfalls
- CYE3B Existing and Proposed Employment Sites
- CYL1C Provision of New Open Space in Development

2.2 The Publication Draft York Local Plan 2018:

- EC2 Loss of Employment Land
- H2 Density of Residential Development
- D1 Placemaking
- D2 Landscape and Setting
- D6 Archaeology
- GI4 Trees and Hedgerows
- GI6 New Open Space Provision
- CC2 Sustainable Design and Construction of New Development
- ENV1 Air Quality
- ENV3 Land Contamination
- ENV4 Flood Risk
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- DM1 Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections, Vehicular and pedestrian access is to be taken from Hallfield Road, modified from that of existing, with some extension to the existing verge. The frontage of the current site has a dropped kerb of which, other than the proposed access will require to be reconstructed to full height kerb and footway. These works may be done under Streetworks Special permission.

3.2 Covered secure cycle parking has been secured within a separate building with reasonable access arrangement. The provision is to a level of 1 cycle space per unit. This meets our minimum standards. Local cycle links and routes serve the development well.

3.3 Parking standards in York are specified as a maximum, and are assessed down to suit the location with regard to sustainability of the location and available parking in the locality. CYC does not currently have minimum standards. The development is in a particularly sustainable location, close to public transport, amenities and within reasonable walking distance from the city centre. For a development of 1-2 bedroom flats we anticipate lower levels of parking than larger apartments of 3-4 bedrooms. Census data of Heworth ward, evidences that 34% of households don't own a car, with 45% just owning 1. Parking restrictions protecting junctions are widespread in the locality, with some availability of parking space further down Redness Street on a first come first served basis.

3.4 Request HWAY 17 (removal of existing vehicular crossing and 19 (Car and Cycle parking to be laid out prior to first use), and INF1 (permission required for works in street)

Design, Conservation, And Sustainable Development (Ecology Officer)

3.5 A Preliminary Ecological Appraisal was undertaken of the site in September 2017. This found the site to be of limited ecological value; comprising mostly hard standing and industrial units. The trees and outbuildings were assessed for their potential to support roosting bats and are considered to have negligible potential. The site could be enhanced by the provision of integrated bat boxes the new building, particularly because its proximity to the cycle path and Tang Hall Beck which provides good foraging habitat. Request the following condition: bat accommodation, and a breeding bird informative

Design, Conservation, And Sustainable Development (Archaeology)

3.6 No objections, seek watching brief via condition

Flood Risk Management Team

3.7 Consider that the FRA addendum shows that the new proposal will not cause any unacceptable increase in flood risk, therefore no objections. Request details of the foul and surface water drainage to be submitted via condition; no piped discharge until the drainage works are in place; and site shall have separate means of foul and surface water.

Public Protection

3.8 No objections, The submitted noise assessment indicated that sound levels at the site are elevated and that suitable glazing, acoustic trickle vents and an acoustic barrier would be required to ensure that sound levels in the proposed properties and external amenity areas comply with the requirements of BS8233:2014 and the World Health Organisation Guidelines on Community Noise. PP are satisfied that sound

levels should be capable of meeting these standards but request that the noise insulation measures are submitted via condition.

3.9 The proposed residential properties will be located near to a number of existing residential properties and there is the potential for noise associated with the construction phase of the development to affect nearby residential properties, therefore request Construction and Environmental management Plan and hours of construction be sought via condition

3.10 A Phase 1 Desk Study (dated October 2017) and a Phase 2 Site Investigation Report (dated October 2017) were submitted with this planning application. The reports are acceptable. The results of the ground gas monitoring and risk assessment should be submitted in due course. Request the following be submitted via condition: the submission of a remediation strategy/scheme detailing the proposed clean cover layer and any necessary gas protection measures

3.11 The proposed development will provide car parking for eight vehicles, as a result Public Protection would request that provision be made for the installation of electric vehicle recharging, sought via condition

Public Realm

3.12 There is no on site open space therefore request an off site payment of £2869 from this development. The contribution would go to St Nicolas Fields - expansion of teaching and workshop facilities as the recipient of Hungate open space monies. The existing facilities are not large enough to support the necessary care, maintenance and development of the site. This is only the second time this scheme that has been nominated before. No payment is being requested for play provision.

Forward Planning

3.13 No comments received

Housing Development Officer

3.14 Below affordable housing threshold

Schools Contract Officer

3.15 No education contribution required

WASTE MANAGEMENT

3.16 The bin store appears adequate for the bins required and we will be able to empty the bins easily if the bin store is left open on collection day. The developer is

advised that containers must be purchased from the Council and must be done so at least 5 weeks before they are required

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Heworth Planning Panel

3.17 No objections

Police Architectural Liaison Officer

3.18 Concerns regarding the cycle store have been taken into consideration and satisfactorily dealt with.

3.19 There were 94 crimes and 39 anti-social behaviour incidents recorded during this twelve month period. Crime and anti-social behaviour levels within the vicinity of the proposal can be described as being at a high level. Any new development has the potential to increase these levels if the designing out of crime is not considered and implemented. Should be consideration of defensible space, access control, surveillance, target hardening and image

3.20 Concerns regarding the car parking provision proposed for this site being below the standard advocated by CYC policy, as disputes that lead to the criminal damage of parked unattended vehicles are already prevalent in the immediate area.

3.21 Amenity space around the site should be subject to an effective maintenance plan. Such a plan should be drawn up to address such issues as litter removal, damage repair, repair to security features in communal areas (lighting, access control, etc.).

Environment Agency

3.22 No objections, does not cause any unacceptable increase in flood risk

Yorkshire Water

3.23 Request following conditions: No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed; the site shall be developed with separate systems of drainage for foul and surface water on and off site.

3.24 Plans should show foul and surface water proposals both on and off the site. The developer is proposing to discharge surface water to SUDS which YW assumes means either ground infiltration or watercourse. As surface water from the site is not

proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken.

Foss Internal Drainage Board

3.25 There are no board maintained watercourses in the vicinity

Publicity And Neighbour Notification

3.26 Three objections received:

- The site stands directly behind the objector's property and if a three storey building is erected this will result in overlooking and a loss of privacy. The amenity blocks to the caravans are separate to the caravans; the surrounding wall will provide little mitigation by virtue of the height and proximity of the proposed building. Would result in a loss of residential amenity
- The proposal will result in a loss of light and loss of view/outlook to the nearby flats. The light and view have already been diminished by the Brickworks, the proposed development would exacerbate the issue.
- Object to the lack of EV charging provision on this new build site. Government have mandated all new vehicles from 2040 will require electric propulsion and many organisations expect 50% of vehicles on the road to be electric by 2030 then installing a single 3 pin socket is completely inadequate and will discourage residents from owning an EV for as long as they possibly can. All parking spaces on the development should be provided with a 7KW type II socket. Retrofitting EV charging to the development would be extremely costly, disruptive and difficult. The cabling should be provided to each parking space during the build to enable residents to add charging points with ease.

4.0 APPRAISAL

KEY ISSUES

- Flood Risk
- Design and Landscape
- Drainage
- Residential amenity
- Ecology

PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The presumption in

paragraph 14 does not apply in this case as the more restrictive policies apply concerning flooding (Sections 10).

4.2 Paragraph 58 of the NPPF states that decisions should aim to ensure that development: 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; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; 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 are visually attractive as a result of good architecture and appropriate landscaping.

Draft Development Control Local Plan (2005)

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). It can only be afforded very limited weight. 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.

Publication Draft York Local Plan (2018)

4.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

FLOOD RISK

4.5 Paragraph 103 of the NPPF states that when determining applications the LPA should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. Following the Sequential Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning. It gives priority to the use of sustainable drainage systems. The aim of the sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1). Ultimately the

LPA needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere

4.6 The existing use of the site is a 'less vulnerable' use and the proposed use is a 'more vulnerable' use. The proposal would therefore be an increase in the flood risk vulnerability of the site. The applicant has not submitted any consideration of other sites. The application site lies within Flood Zone 1, 2, and 3a. The site has historically been developed and until recently accommodated a building covering the part of the site within Flood Zone 2. The proposed building would be constructed within Flood Zone 1 and 2, the car park and access and egress from the proposed building would be within Flood Zone 1. The proposed development would result in a net gain of compensatory flood storage of 5.2m³. Flood resilience measures are incorporated through the raising of floor levels. The Environment Agency and the Flood Risk Management Team have raised no objections to the erection of the proposed building within Flood Zone 1 and 2. The proposal and the information set out in FRA and addendums meet the requirements in the NPPF in terms of providing a means of escape and being safe for its lifetime.

LOSS OF EMPLOYMENT

4.7 Policy E3b (Existing and Proposed Employment Sites) of the Local Plan 2005 seeks to resist the loss of existing employment sites and retain them within their current use class. In order to determine if there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in quantitative and qualitative terms, evidence that the site has been marketed should be sought. In addition either point b), c) or d) of policy must be met.

4.8 Policy EC3 (Loss of Employment Land) of the Publication Draft Local Plan 2018 continues the approach to existing employment land set out under E3b in the Draft Local Plan. When considering uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial, business, office or other employment uses, the council will expect developers to provide a statement to the satisfaction of the Council demonstrating that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period.

4.9 Current Government policy is to assist the economy, sustainable development proposals should be allowed unless they would compromise the key sustainable development principles set out in national planning policy. Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187). Planning should encourage and not impede sustainable growth therefore significant weight should be

placed on the need to support economic growth through the planning system (paragraph 19).

4.10 The National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

4.11 The proposal would result in the loss of the land being available for employment use and would therefore negatively impact on the City's employment land requirements. The building has been demolished. The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. The applicant has not supplied any information as to the marketing of the site. The applicant has not demonstrated that there was no longer a qualitative or quantitative need for this employment site. Whilst the site could be re-developed for employment use (subject to a further planning permission) there appears little realistic prospect of that happening, the residential redevelopment scheme is before Members and given the policy of the NPPF for local planning authorities to boost significantly the supply of housing it is considered that on balance that a residential scheme in this location is acceptable.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.12 The National Planning Policy Framework states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.13 The application site is within the developed area of the city. The site has good access to local shops and services as well as public transport and cycle links. It is therefore considered that the site is within a sustainable location.

4.14 The appearance is similar to the neighbouring development of the north (1 - 6 St Hilda's Terrace). The revised development has been brought closer to the western boundary, the variation in the height of the roof together when viewed in context with the development to the north would result in a development that would not be unduly prominent within the streetscene. Within the development there would be a significant amount of hard landscaping, which would create a densely

developed urban feeling. The boundary treatment to Hallfield Road has been altered to a low wall which is in keeping with the prevailing character of low walls or railings in this part of Hallfield Road. The application site includes adopted highway verges (adjacent to the front /Hallfield Road boundary), the proposed plans show these verges being retained and grassed. On balance given the mixture of suburban building styles in the neighbouring area and the adjacent industrial estate the density of the neighbouring development it is not considered to result in sufficient harm to the character and visual amenity of the area to warrant a recommendation of refusal.

4.15 A tree (Goat Willow) to the rear of the site adjacent to the boundary with the cycle lane, would be removed. The proposed layout does not provide sufficient space for a replacement tree. The soft landscaping to the cycle lane is mature and the loss of the tree would not be sufficiently harmful to the visual amenity as to warrant refusal.

IMPACT TO RESIDENTIAL AMENITY

4.16 One of the core principles of the planning system outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants.

4.17 The building has been brought further west into the site. Previously there has been some concern of overlooking and loss of privacy to the caravan park to south. With bringing the building further west whilst closer to the caravan park, because of the angle of the proposed building the view from the proposed residential units over the caravan would become more oblique, (the proposed units would face the drainage ditch rather than the caravan park). The proposed building would be three storeys in height however the angle of the building in relation to the height of caravan park is not considered to be unduly overbearing. The proposed building is not considered to result in an undue loss of amenity to the occupants of the caravan park.

4.18 The relationship of the proposed building to the residential units to the north and the north east is considered to be acceptable and there would not be a loss of residential amenity to the occupants of these dwellings.

4.19 By virtue of the close proximity of the nearby residential accommodation it is considered necessary to require (via condition) the restriction of the hours of construction, to protect the amenity of the occupants.

4.20 The flats created by the proposed development would be of modest dimensions however the proposed accommodation is considered to provide an acceptable quality of amenity for the future occupants of the flats. Three of the flats would have outside space/yards.

4.21 Para 58 and 69 of the NPPF, states that development should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. There is a requirement on the LPA to consider crime and disorder implications, under S17 of the Crime and Disorder Act 1998. The NPPF states that decisions should aim to ensure development creates safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesions. Given the surrounding uses and the late night economy of the area there may be issues. The Police Architectural Liaison Officer submitted a report indicating that there was a particularly high incidence of reported crime reported incidences of Anti Social behaviour in this locality.

4.22 The cycle store has been moved to the front of the building to allow for surveillance and security and it is overlooked from the building and the surrounding buildings and is also closer to the road network. The secure doors and windows requested by the Police would be sought via Part Q of the Building Regulations

NOISE

4.23 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life, para 123 and Policy ENV2 of the Publication Draft York Local Plan 2018 requires that there should be no undue adverse impact from noise disturbance. Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

4.24 Due to the potential for noise from the area affecting the proposed development a noise assessment was submitted with the application. This report indicated that sound levels at the site are elevated and that suitable glazing, acoustic trickle vents and an acoustic barrier would be required to ensure that sound levels in the proposed properties and external amenity areas comply with the requirements of BS8233:2014 and the World Health Organisation Guidelines on Community Noise. The noise insulation can be sought via condition

HIGHWAYS

4.25 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.

- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.26 Eight parking spaces are provided. A lower percentage of parking provision (than 1 per unit) in this location due to the low ownership of cars in Heworth and neighbouring Guildhall wards together with the proximity to the city centre and public transport is considered to be acceptable. The surrounding streets have parking restrictions (double yellow lines). The parking spaces are of an acceptable size and there is sufficient turning space.

4.27 Revised plans show the cycle parking in an accessible location with natural surveillance from the proposed and surrounding properties. The covered cycle parking provides sufficient spaces (14).

4.28 The adopted highway verges have been maintained and would allow viability for vehicles when leaving the development

ARCHAEOLOGY

4.29 The site is not within the Area of Archaeological Interest, however it is adjacent to a recorded historic monument, the cycle path follows the path of the Derwent Valley Light Railway. A desk based assessment has been submitted as part of this application. The study revealed that there is a chance of archaeological deposits existing on the site dating from all periods including scattered Roman funerary remains. However, 19th and 20th century use of the site is likely to have led to a degree of truncation of earlier deposits. Given the potential for pockets of archaeology to survive on the site an archaeological watching brief is required on groundworks associated with the creation of the new building could reveal or disturb archaeological features, it is considered necessary to seek this via condition

DRAINAGE

4.30 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan Policy GP15a (Development and Flood Risk) and Publication Draft York Local Plan (2018) Policy ENV5 (Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced. Few details of the surface water drainage scheme were submitted as part of the application. However it is considered that an acceptable drainage scheme could be achieved and the details of this method could be sought via condition.

OPEN SPACE AND EDUCATION CONTRIBUTION

4.31 There is a requirement within both draft plans for applications for new residential development to provide a financial contribution towards the provision of public open space, education etc. The Community Infrastructure Levy Regulations

(2010) only allows for up to 5 contributions to be made to a single scheme. Regulation 123 states that a planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure. With the exception of the yards for three of the flats, open/amenity space has not been provided within the development as such this will lead to the use of surrounding amenity spaces. Public Realm has confirmed that an open space contribution is required in this case. This can be secured through a Section 106 agreement. The Council seeks open space payments where a) there is a shortfall in provision within the defined catchment for each typology and b) where there is a shortfall in quality of existing provision. The contribution of £2,869 for the amenity open space would go towards the expansion of teaching and workshop facilities at St Nicholas Fields. It is only the second time this scheme has been nominated as such is within the CIL legislation requirements. Therefore the contribution is considered to be a reasonable requirement in this case and compliant with CIL Regulations. No contributions are required for childrens play space and sports provision. The applicant has agreed to the above contribution.

ECOLOGY

4.32 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. A Preliminary Ecological Appraisal has been submitted with the application; the Ecology Officer is satisfied and agrees with the contents of the report that the trees and outbuildings have negligible potential as roost sites. The proposed elevations show bat boxes integrated into the proposed development. By virtue of its proximity to the cycle path and Tang Hall Beck which provides good foraging habitat it is considered necessary to seek Integrated bat boxes (via condition).

5.0 CONCLUSION

5.1 The revised scheme for the erection of a three storey building comprising 14 no. flats would provide homes within a sustainable and accessible location. The site is previously developed land, sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed is supported by the NPPF. The development would accord with the NPPF, the Draft Local Plan 2005 and the Emerging Local Plan 2018. On balance, the proposal complies with the thrust of national and local planning policy.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement to secure a contribution towards the expansion of teaching and workshop facilities at St Nicholas Fields

1 TIME2 Development start within three years

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

Drawing Number (05)01 Revision B 'Location Plan' received 02 May 2018;
Drawing Number (05) 04 Revision E 'Proposed Site Layout' received 25 April 2018;
Drawing Number (05) 05 Revision C 'Proposed Floor Plans' received 25 April 2018;
Drawing Number (05) 06 Revision C 'Proposed Elevations + Typical Section' received 25 April 2018;
Drawing Number (05) 10 'Cycle and Bin Store Proposed Plans and Elevations' received 25 April 2018;
Drawing Number (05) 11 'Site Plan Proposed Sections A + B + C' received 25 April 2018

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 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 submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

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. A desk based assessment has been submitted as part of the application. The study revealed that there is a chance of archaeological deposits existing on the site dating from all periods including scattered Roman funerary remains. Given the potential for pockets of archaeology to survive on the site an archaeological watching brief should take place as groundworks associated with the creation of the new building could reveal or disturb archaeological features. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

5 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. 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. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

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. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

6 All demolition and construction 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 Prior to commencement of development, ground gas monitoring and a risk assessment shall be carried out by a competent person to assess gas generation and migration. The findings shall be submitted to and agreed 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. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

8 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 submitted to and agreed in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

9 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 shall be submitted to 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.

10 In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and agreed 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.

11 Prior to the development hereby approved coming into use, a three pin 13 amp external electrical socket which is also suitable for outdoor use shall be installed. The socket shall be located in a suitable position to enable the charging of an electric vehicle within the car park. The location and specification of the recharge point shall be agreed in writing with the Local Planning Authority prior to installation.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

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).

13 Prior to occupation two integrated bat boxes e.g. 2FR Schwegler Bat Tube or
Application Reference Number: 17/02576/FULM Item No: 4b

similar shall be attached to the new building; one on the south-east and one on the south-west aspect and as high as possible.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact on nature conservation in line with the NPPF.

14 Development shall not begin until details of the 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: Insufficient drainage details were submitted with the application therefore further information is required so the Local Planning Authority may be satisfied with these details for the proper drainage of the site. The information is sought prior to commencement to ensure that drainage details are approved in advance of the carrying out of any groundworks on the site, which may compromise the implementation of an acceptable drainage solution for the development.

INFORMATIVE

It has been proven that infiltration methods of surface water disposal are not suitable in this location, and therefore;

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 or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available. Evidence to prove suitability of surface water discharge point shall be provided.

The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

15 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be

occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

16 HWAY19 Car and cycle parking laid out

17 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbs and pavement to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Sought revised plans
- Sought additional information
- Legal Agreement
- Use of conditions

2. INFORMATIVE ON BREEDING BIRDS

The developer/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.

3. INFORMATIVE:

Application Reference Number: 17/02576/FULM

Item No: 4b

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. 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

5. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

6. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email highway.regulation@york.gov.uk, with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

7. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the

Application Reference Number: 17/02576/FULM

Item No: 4b

Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact:

Special Permission - streetworks@york.gov.uk

8. REFUSE BIN INFORMATIVE

Refuse containers must be purchased from City of York Council and must be done so at least 5 weeks before they are required

9. 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

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

Application Reference Number: 17/02576/FULM

Item No: 4b