

## COMMITTEE REPORT

**Date:** 13 December 2017      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team      **Parish:** New Earswick Parish Council

**Reference:** 17/02283/FULM  
**Application at:** Site Of Biorad Micromasurements Ltd Haxby Road York  
**For:** Erection of new mental health inpatient unit  
**By:** Tees, Esk And Wear Valleys NHS Foundation Trust  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 5 January 2018  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site is the former Bio-Rad/Vickers site located off Haxby Road. The application proposes the erection of a new mental health inpatient unit including car parking and landscaping.

1.2 The application is submitted by the Tees, Esk and Wear Valley (TEWV) NHS Foundation Trust who provide a range of mental health and learning disability services around the Tees, Esk and Wear Valley. Existing services will be transferred from Peppermill Court, Meadowfields, Acomb Gables and Cherry Tree House. Previous facilities in York had been provided in Bootham Park Hospital, although this facility was closed to patients in 2015.

1.3 The site is a vacant and generally flat area of land off Haxby Road following demolition of the previous industrial manufacturing buildings. It has been vacant since 2008 where it previously was used for industrial by Vickers and Bio-Rad. It is located north of the St John's University Haxby Road Sports Pavilion and Playing fields. Further north is open space. Residential properties are situated to the East; however the River Foss and open space form a buffer between the site and these properties.

1.4 Substantial trees and bushes form a screen along the majority of the site's boundaries. There are three existing vehicular access point from Haxby Road with 'Millie Crux' bus stops on Haxby Road near to the site's entrances.

1.5 The site is located outside of the green belt boundary and any conservation area and is not within an Air Quality Management Area (AQMA). It is located within Flood Zone 1. There are a number of mature trees within the site with some covered by Tree Preservation Orders.

1.6 The proposals involve a purpose built 72 bed unit for persons requiring mental health care in the York area. The beds will be split into 4 separate care environments each providing 18 beds. Each bedroom will be en-suite. This will comprise of;

- 18 beds for adult male acute care
- 18 beds for adult female acute care
- 18 beds and associated facilities providing care for persons of older age with functional dementia
- 18 beds and associated facilities providing care for persons of older age with organic dementia

1.7 The facility is to provide short term acute mental health treatment which include;

- Adult Mental Health (AMH) acute inpatient services
- Mental Health Services for Older People (MHSOP) acute inpatient services
- Intensive Home Treatment (IHTT) team base
- Section 136 facilities
- Older Persons Crisis Intervention Service (OPCIS)
- Care Home Liaison
- ECT (Electro Convulsive Therapy) suite

1.8 These services are not considered to be specialist designation where there would be specific requirements for heightened perimeter requirement.

1.9 The proposed building comprises a two storey element to the front providing administration areas with all clinical and patient accommodation within the single storey areas to the rear. Each area will have access to landscaped areas between the accommodation.

1.10 The site covers approximately 2.85 hectares in area. The gross internal floor area (GIFA) of the new building is approx. 8260m<sup>2</sup>; the ground floor accommodation will provide 7038m<sup>2</sup> and the first floor accommodation will provide 1222m<sup>2</sup>.

1.11 The application documents indicate that 225 full time equivalent clinical personnel and administrative support staff will be employed.

1.12 Access will be off Haxby Road, which currently has three access points into the site although only two will be retained. The access on the southern part will provide general and public access with the other access point being a service access. The car parking spaces will be allocated with 121 car parking spaces (including 8 disabled spaces, 4 electric vehicle spaces, 8 car share spaces 24 visitor spaces and 77 staff spaces). In addition there will be 30 secure cycle lockers for staff and eight Sheffield stands for 16 visitors.

## RELEVANT PLANNING HISTORY

1.13 There is no relevant planning history for the application site.

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## **2.0 POLICY CONTEXT**

### **NATIONAL PLANNING POLICY FRAMEWORK (NPPF) MARCH 2012**

2.1 See section 4 for more detail.

### **DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005**

2.2 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes (the DCLP).

2.3 The 2005 Draft Local Plan (DCLP) does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however 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, although it is considered that their weight is limited. Section 4 provides more detail regarding the DCLP policies relevant to the determination of this application.

### **EMERGING LOCAL PLAN**

2.4 Consultation on a new pre-publication draft local plan and revised evidence base has recently been completed. (30th October 2017). A public consultation on the Publication version of the Local Plan is expected to start in February 2018.

2.5 The emerging Local Plan policies can only be afforded limited weight at the present time, given the stage that they have reached in the statutory process. The National Planning Policy Framework (paragraph 216) provides that weight may be given to relevant policies in emerging plans according to: the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency with the Framework.

2.6 The site was originally considered for residential use through the site selection methodology evidence base which underpins the selection of preferred site allocations under draft policy SS1. The site is not supported for housing through the emerging Local Plan.

2.7 The site is allocated in the proposed sites allocation as 'HC2 Proposed Health Care Facilities'. Policy HW5: Healthcare Services specifically supports the 'Tees, Esk and Wear Valleys NHS Foundation Trust in the relocation of services previously provided at Bootham Hospital to a new site on Haxby Road, in order to provide the best patient care'.

2.8 The relevant policies set out in the pre-publication draft Local Plan (2017) include, but are not limited to:

D1: Placemaking  
DP3: Sustainable Communities  
SS1: Delivering Sustainable growth for York  
GI2: Biodiversity and Access to Nature  
GI3: Green Infrastructure Network  
GI14: Tress and Hedgerows  
ENV3: Land Contamination  
T1: Sustainable Access

### **3.0 CONSULTATIONS**

3.1 The application has been publicised by means of notification to statutory consultees and local residents. The consultation period expired on 15 November 2017 and the following comments have been received:

INTERNAL

FORWARD PLANNING

3.2 Supports the application for a new mental health facility, but suggests that advice is sought in relation to the design and layout of development.

3.3 The site was originally considered for residential use however it is not supported for housing through the emerging Local Plan. The site was shown to be within the River Foss Regional Green Corridor. Technical officers concurred that this designation may not preclude this site for development for hospital use subject to consideration for and enhancement of the green corridor.

3.4 Following the assessment against the Council's site selection methodology drawing upon the location principles underpinning draft policy SS1, the former Bio-Rad site is allocated within Policy HW5 for the Tees, Esk and Wear Valley NHS Trust in the latest pre-publication draft Local Plan (2017) and is therefore supported for this use.

**PLANNING AND ENVIRONMENTAL MANAGEMENT (DESIGN, CONSERVATION AND SUSTAINABILITY)**

3.5 Consider that the plan form is highly suited to this site with substantial hedges and trees to the site's boundary which will help minimise its visual impact on the green corridor. Generally the building is at single storey and two storey at most and therefore not highly prominent. The plan has a strong functional logic; circulation is composed as a concentric (arcs roughly parallel to the geometry of the body block)

and radial (spokes) network and segregates servicing areas from public areas and locates it in discrete places on the site.

3.6 The most public part is the cranked linear block which presents a terraced roof line of many pitched gables of slightly varied widths and heights above brick wall elevations with varied window positioning and decorative brick feature panels. The intention to create a friendly and reassuring aspect for visitors and patients through the use of domestic scale is achieved. Buildings to the rear are much more simple, with metal standing seam roofs and timber cladding, given a slightly agricultural character which sits comfortably in a highly green (although not rural) setting.

## HIGHWAY NETWORK MANAGEMENT

3.7 Raises no objections to the levels of traffic generation or vehicular impact on the highways network. Amendments have been made to the levels of parking to reduce reliance on the private car and alterations to the northern access, to reinforce the prominence of the main (southern) access. The Highways Officer has requested contribution to the provision of shelters and real time BLISS displays at inbound/outbound bus stops adjacent to site and making good the footway/kerb to the redundant middle access.

## WASTE SERVICES

3.8 Was consulted in respect of the proposal on 18 October 2017. No response has been received at the time of writing.

## PUBLIC PROTECTION (PP)

3.9 Does not raise any objections by the proposal however there is concern that there is a lack of detail in respect to some aspects of the proposal, including noise, odour, plant and machinery, land contamination and air quality and low emissions. Conditions are recommended in order to ensure that the proposed development does not result in detrimental harm to the amenity of the area or local neighbouring residents.

## FLOOD RISK MANAGEMENT TEAM

3.10 Does not raise any objection to the application in principle as a satisfactory and sustainable drainage scheme can be designed subject via conditions.

## PLANNING AND ENVIRONMENTAL MANAGEMENT (LANDSCAPE)

3.11 Objects to the identified felling of protected trees; there are significant trees around the boundary of the site with most of the trees on the east, south and

western boundaries that are covered by a Tree Preservation Order in addition to their location within the River Foss Regional Green Corridor.

## PLANNING AND ENVIRONMENTAL MANAGEMENT (ECOLOGY AND COUNTRYSIDE)

3.12 Advises that there are no statutory or non-statutory nature conservation sites within the zone of influence of the site that would be impacted by the development. The woodland areas around the River Foss, directly to the east of the site are identified as deciduous woodland Priority Habitat on the national inventory. Otter and water vole are known to use the River Foss. The areas of semi-natural grassland in this area north and east of the application site are being positively managed by York St Johns University.

3.13 Concern is raised about the potential impacts upon adjacent habitats from the loss of trees, semi-natural grassland and construction impacts. Further the ecology officer raises concern in respect to the proposed lighting scheme advising that the position of the lights on the wards closest to the boundary vegetation should be removed.

3.14 A bat activity survey recorded several species of bats using the site for foraging/commuting. The Arboricultural report identifies features in a number of trees that would provide potential roosting habitat for bats. To replace the loss of potential bat roosting habitats, bat boxes should be attached to the mature trees surrounding the site.

## EXTERNAL

### NEW EARSWICK PARISH COUNCIL

3.15 Supports the application

### ENVIRONMENT AGENCY

3.16 Was consulted in respect of the proposal on 18 October 2017. No response has been received at the time of writing.

### YORKSHIRE WATER

3.17 Does not raise any objections to the proposal subject to conditions detailing separate systems of drainage for foul and surface water.

### POLICE DESIGNING OUT CRIME (DOC) OFFICER

3.18 Reports that the crime and anti-social behaviour levels within the site are considered to be relatively high. The DOC officer advises that there are a number of issues including boundary protection, CCTV and the management of car parks that have not been adequately addressed in the application and therefore a condition is recommended in order that the site is secured. However the DOC officer raises no concern in respect to the cycle storage areas and lighting scheme.

#### FOSS INTERNAL DRAINAGE BOARD

3.19 Does not raise any objections to the proposal subject to conditions. The Board has assets adjacent to the site in the form of River Foss; this watercourse is known to be subject to high flows during storm events.

#### NEIGHBOUR NOTIFICATION AND PUBLICITY

3.20 No letters of representation have been received.

### **4.0 APPRAISAL**

#### 4.1 Key Issues:-

- Principle of health facilities
- Design
- Highways
- Trees and Landscaping
- Environmental impacts (contaminated land)
- Environmental impacts (air quality/noise/odour)
- Flood risk/drainage
- Crime and Security
- Ecology

#### POLICY CONTEXT

##### NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

4.2 Paragraph 17 sets out 12 core planning principles, four of which are relevant to this application.

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

4.3 Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.4 Paragraph 70 of the framework requires planning policies and decisions to deliver social, recreational and cultural facilities and services the community needs. They should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

#### DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

4.5 The following draft policies are considered to be of some relevance, in that they are in accordance with the principles of the NPPF, albeit they are given very little weight.

4.6 The provision of new community facilities are promoted through Policy C1 'Community Facilities', provided that it is of a scale and design appropriate to the character and appearance of the locality and that it would meet a recognised need.

4.7 New developments are required to respect or enhance the local environment in terms of density, layout, scale, mass and design and to ensure that residents living nearby are not unduly affected by noise and disturbance (Policy GP1) and have regard to the principles of sustainable development in accordance with Policy GP4a. New landscape features should utilise natural features to enhance ecological value (Policy GP9) whilst also achieving natural surveillance of public spaces and paths (Policy GP3).

4.8 Developers will be required to incorporate appropriate provision for additional traffic generated by the development and for pedestrian, public transport, and cycle access (Policies T4 and T7c) and should aim to reduce the dependence on the car (SP8).

4.9 Developments are also expected to be carefully designed and sited where they are adjacent to rivers to reduce flood risk and problems of flooding, erosion and pollution downstream by increasing surface water run off from impermeable surfaces or by reducing flood plain capacity (Policy GP15a).

#### PRINCIPLE OF HEALTH FACILITIES

4.10 The site currently was not proposed to be designated for any particular use within the DCLP (incorporating 4th set of changes). It has been vacant since 2008 with all buildings associated with the previous use as a manufacture of medical



instruments demolished. It is a previously developed (brownfield) site, with good access links to the City by both private and public transport. There is three existing vehicular access points off Haxby Road (albeit one will be made redundant) with bus stops nearby the site's entrances. The area is mixed in character, with the St John's University Nestle Rowntree Sports Park to the south, the north and east is generally open, with the nearest residential properties approximately 25m away.

4.11 The area is characterised by development that is generally low level, comprising of single or two storey developments. The building takes the form of a part single and part two storey building, with the majority of the development to be single storey. It is considered that the proposal would be of a scale appropriate to the character and appearance of the locality.

4.12 The facility will take the form of an impatient mental health facility, which requires operational and treatment areas, in addition to residential care accommodation. The need for a new mental health facility has arisen following the closure of Bootham Park Mental Health Hospital, which did not meet modern standards. The requirements for the new facility have been assessed through public consultation with the NHS commissioning group and in view of current demographic and future trends.

4.13 The site is allocated in the pre-publication draft local plan as a proposed location for health care facilities having been assessed against the Council's site selection methodology that underpins draft policy SS1 and is capable of being a material planning consideration. The use of the site for health facilities, given its location, size, and the proximity to neighbouring uses, the site is considered to be a sustainable location for a mental health facility. The development of the site for health care facilities is therefore supported in this location subject to consideration of and enhancement of the green corridor.

## DESIGN

4.14 It is important to note that the options to reconfigure Bootham Park Hospital were explored, but ultimately unsuccessful. Modern best practice of delivering mental health is highly evolved and specialised, requiring spaces that are quite different to what is realistically possible at Bootham. The plan presented in this application is very similar to one tested at Bootham, and is approaching a model plan form, meaning the preferred design layout is nearly fixed irrespective of site, but subject to site specific tweaks.

4.15 The plans indicate expansion potential although this is limited; the practice of care treatment appears to be increasingly decentralised which could reduce the pressure for future expansion.

4.16 In respect to the plan form, the existing site is brownfield although set within a green corridor. The plan is well suited to the site with existing landscaping features

that will help to minimise its visual impact. Its design as a single storey, with two storey elements does not however result in a highly prominent building.

4.17 The site boundary treatment is a low level timber-and rail type which will help to blur the boundary between the inside and outside, and helping to reinforce the green corridor and create quality external green spaces. The building has been designed in such a way that the patient areas have an aspect to the outdoors to maximise patient contact with the outdoors and daylight for therapeutic purposes. The numerous private landscapes courtyard spaces will reinforce this providing direct access to patients.

4.18 In terms of the elevation and massing, the building achieves domestic and reassuring aspect for visitors and patients subject to conditions for the brick work detail and details of the front entrance facade.

## HIGHWAY IMPLICATIONS

4.19 No objections are raised in respect to traffic generation or the impact of the vehicular access arrangements upon the highway. Amended plans have been submitted which addresses a number of concerns, including a reduction in the number of car parking spaces from 138 to 121 in total in order to meet an 80% mode share by car. It is noted that this is higher than the average number of parking spaces required on site during the busiest period (08:00-17:00), which equates to 109. The site has good transport connectivity and the proposals involve provision for other car modes to be provided for within the site including electric vehicle charging points and car sharing. It is not considered that the overprovision of car parking would justify refusal of the application and would not wholly undermine the aspirations and aims of the supporting travel plan.

4.20 The revised plans also include alterations to the northern access, to give the view that it is a secondary access as it will primarily to be used for emergency access and servicing. The southern access is to be used as the main access, for all vehicular traffic.

4.21 In addition, the highways officer has requested a Grampian condition to ensure that the existing bus stops on Haxby Road, adjacent the site, are upgraded with shelters being provided and real time BLISS displays and in addition, to highway improvement works following the reinstatement of the existing middle access.

## TREES AND LANDSCAPING

4.22 The trees around the east, south, and west periphery of the site are subject to a tree preservation order. The trees contribute to the amenity of Haxby Road, and the university sports complex, and the open space associated with the river Foss - a green infrastructure corridor of regional significance. The trees also serve to screen the site from the adjacent publicly accessible open space, and properties that are

located close to the east back of the river. Direct views of the trees are limited from the Foss walkway, which runs at a lower level with rows of other intervening trees alongside the top of the bank.

4.23 The vast majority of the trees are category C trees - of low quality and value, largely due to their weakened, multi-stemmed form due to historical lopping, and/or their suppressed or misshapen form resulting from competition with neighbouring trees. There are occasional higher value trees, but the overarching value of all the trees is as a group, and in the quantity of canopy cover they provide.

4.24 The site is very tight for the proposed development. As a consequence a significant number of mature trees would be removed from the eastern boundary to enable the development.

4.25 The scheme is well intentioned in retaining the vast majority of the existing trees along the remaining south, south-west and western boundaries.

4.26 Unfortunately due to the tight working area, a number of the retained trees (namely in the south east corner) would be put at high risk of damage due to various construction and development operations which fall within the recommended root protection area of the trees, including buildings, drainage runs, and haulage/maintenance/pedestrian routes, and perimeter fencing, in addition to potential setting out creep. Therefore it is likely that there would be additional premature tree loss. Methods of reducing risk to the existing trees have been illustrated on the plans.

4.27 There is limited scope for compensatory planting along the eastern boundary due to the tightness of the site and the drainage compound, runs, and easements. The loss of trees is contrary to local planning policy, however the overall benefit of the development may be considered to outweigh the harm.

4.28 The building arrangement creates a series of tight courtyards around the core of the building; then a series of semi-enclosed gardens between the various accommodation arms of the building; thus the vast majority of rooms have views on to some type of outdoor/green space. The spaces created by the wings (some subdivided) are of a reasonable size and spatial quality - each one given its own identity. The scheme includes native planting to the perimeter, and more ornamental planting within the courtyards/gardens, including an attractive range of herbaceous plants.

## ENVIRONMENTAL IMPACTS (CONTAMINATED LAND)

4.29 The site was previously subject to industrial use, as an instruments factory from the 1930s until 2008. This type of use could have given rise to land contamination. Testing has been carried out of 5 boreholes. The applicant's land contamination report indicates that there is no visual evidence of significant ground

contamination within any of the boreholes, however no soil sampling or contaminated land risk appear to have been carried out.

4.30 A condition shall be imposed requiring a site investigation to establish whether contamination is present within the site. If contamination is found, conditions shall ensure that appropriate remedial action will be required to ensure that the site is safe and suitable for the proposed use as an inpatient mental health facility.

## ENVIRONMENTAL IMPACTS (AIR QUALITY/NOISE/ODOUR)

4.31 The site of the proposed unit is located approximately 65 metres away from the boundary of the nearest residential property boundary, at the north of the site, with York St John University sports fields immediately to the south (at a distance of approximately 25 metres).

4.32 The main concern arises from possible noise associated from the use of the adjacent sports field, which can be used up until 22:00hours. However given the distance and the position of the residential part of the facility which will primarily be positioned further within the site to the north and behind the clinical areas, it is likely that the internal noise levels in the proposed facility would be capable of achieving necessary World Health Organisation standards with noise insulation measures that can be secured via condition.

4.33 Each ward will have its own kitchen and a cafe will be provided in the main entrance. It is anticipated that there will be a number of cooking extraction equipment and air conditioning to serve the kitchens and the residential areas. No details have been provided as to the extent of associated mechanical plant and their possible impacts in terms of noise and odour. A condition shall require a report in order to assess the cumulative impacts from any mechanical plant so that they do not adversely affect the amenity of neighbouring properties.

4.34 Given the extent of the site and the possible impacts from the site's redevelopment a condition shall secure a construction environmental management plans (CEMP) in order to control and minimise any noise or vibration that may impact upon local residents from the construction works. A further condition shall control the construction hours.

## FLOOD RISK/DRAINAGE

4.35 The site is located within Flood Zone 1 where there is a low risk of flooding, however it is noted that the site is larger than a hectare. The site is also located adjacent to the River Foss, on the eastern boundary which is subject to high flows and is the principal source of flood risk to the site. The information provided within the application is indicative, however the Council's Flood Risk and Management

Team are satisfied that from the information provided, a drainage scheme for both foul and surface water can be developed.

## CRIME AND SECURITY

4.36 An analysis of crime and anti social behaviour within the vicinity of the site over a twelve month period (from 10 October 2016 to 30 September 2017) indicates that there were 104 crimes and 77 anti-social behaviour incidents recorded.

4.37 The main issue that the Secured by Design officer considers has not been adequately addressed is secure boundary protection. Secured by Design Hospitals 2005 recommends that hospital sites should be fully enclosed with secure boundary treatments to a minimum height of 2m. However, this has to be balanced with ensuring that the site has good levels of natural surveillance, which is achieved on the western boundary (Haxby Road frontage) and the security levels for each of the private courtyards and distances to neighbouring properties. On the northern and eastern boundaries the water course acts as a deterrent. There are a number of courtyard areas that do not have secure boundary treatments and therefore parts of the building are vulnerable to criminal attack. A condition shall require full details of all boundary protection, for the perimeter of the site and also for the courtyard areas.

4.38 The Secured by Design officer raises concern that there is a lack of overlooking of staff car park from 'active rooms' within the hospital. CCTV is recommended to cover both car parking areas and shall be conditioned. The plans do however indicate a pedestrian access between the application site and the adjacent University playing fields; it is not clear what the purpose of this access seeks to achieve and may have further security implications on the proposed mental health facility as well as the University playing fields.

## ECOLOGY

4.39 The site is surrounding by important areas for habitats which have been proactively managed by surrounding land owners to encourage the biodiversity in the area. The loss of trees and self sown scrub does provide habitat for wildlife. The ecology officer does not raise any objections to the proposals subject to conditions to ensure that any trees lost are replaced and replacement nesting boxes around the site. The lighting scheme has been identified as a concern; given its close proximity to the boundary vegetation. It is appreciated that lighting is required for security purposes and a condition shall be imposed for a lighting scheme to be submitted to enable light spill and other details such as the contour plans to be submitted and a mitigation strategy for the lights that have the most impact upon wildlife.

4.40 There are no known bat roosts within the application site. A bat activity survey and an assessment of mature trees was undertaken, although due to the trees being in full leaf a detailed inspection of each one to be removed was not made.

Therefore there is a residual of bats being impacted by arboricultural works and conditions are imposed to mitigate any harm to them. As such, the three 'derogation tests' under the Habitats Directive do not need to be considered.

## 5.0 CONCLUSION

5.1 The former Bio-rad/Vickers site has been vacant for nearly 10 years; it offers good transport links including public transport modes and is located sufficiently away from main residential conurbations where any impacts from the proposed development will be limited. However, it is located within the River Foss Regional Green Corridor, and whilst there will be some impact upon local wildlife; there are opportunities to ensure the development enhances the local habitats.

5.2 Whilst carrying little weight at this stage, the site is allocated in the pre-publication draft local plan (2017) as a suitable location for health facilities (HC2). It has no designation for any specific use in the DCLP (incorporating 4th set of changes); however the provision of the site for a mental health facility does meet an identified need following the closure of Bootham Park Hospital. Even without the allocation in the emerging plan, when assessed against the site selection methodology evidence base which underpins the selection of preferred site allocations under draft policy SS1 the use of the site for health facilities, given its location, size, and the proximity to neighbouring uses, the site is considered to be a sustainable location for a mental health facility. Approval is therefore recommended.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

YIP-PHS-EX-00-DRA-90-002 P3 Site plan

YIP-PHS-EX-RL-DR-A-90-001 P1 OS PLAN

YIP-BGP-00-00-DR-C-0001 DRAINAGE LAYOUT

YK5479-M-001 A SITE ACCESS ARRANGEMENT

YIP-PHS-XX-ZZ-DR-A-20-103 P1 PLANNING ELEVATIONS

YIP-PHS-XX-ZZ-D-A-20-102 P1 PLANNING ELEVATIONS

YIP-PHS-XX-ZZ-DR-A-20-101 P1 PLANNING ELEVATIONS

YIP-PHS-XX-ZZ-DR-A-00-105 P2 GROUND AND FIRST FLOOR PLAN

YIP-PHS-XX-RL-DR-A-27-101 P1 ROOF PLAN

YIP-C21-B-01-DR-M-309 P01 PROPOSED MECHANICAL SERVICES  
FUNCTIONAL WARD ROOF WALKWAY  
DOMESTIC WATER SERVICES

	GENERAL ARRANGEMENT LAYOUT
YIP-C21-B-00-DR-M-303 P01	PROPOSED MECHANICAL SERVICES FUNCTIONAL WARD ROOF WALKWAY DOMESTIC WATER SERVICES GENERAL ARRANGEMENT LAYOUT
YIP-C21-A-02-DR-M-513 P02	PROPOSED MECHANICAL SERVICES ADMIN BLOCK ROOF LEVEL ABOVE GROUND DRAINAGE 1 OF 2
YIP-C21-A-02-DR-M-514 P02	PROPOSED MECHANICAL SERVICES ADMIN BLOCK ROOF LEVEL ABOVE GROUND DRAINAGE 2 OF 2
YIP-C21-A-01-DR-M-508 P02	PROPOSED MECHANICAL SERVICES ADMIN BLOCK FIRST FLOR ABOVE GROUND DRAINAGE SERVICES LAYOUT 2 OF 2
YIP-C21-A-00-DR-M-301 P01	PROPOSED MECHANICAL SERVICES GROUND FLOOR ADMIN BLOCK 1 OF 2 DOMESTIC WATER SERVICES GENERAL ARRANGEMENT LAYOUT
YIP-C21-A-00-DR-M-302 P01	PROPOSED MECHANICAL SERVICES GROUND FLOOR ADMIN BLOCK 2 OF 2 DOMESTIC WATER SERVICES GENERAL ARRANGEMENT LAYOUT
YIP-C21-A-01-DR-M-307 P01	PROPOSED MECHANICAL SERVICES GROUND FLOOR ENTRANCE AND PLANT DOMESTIC WATER SERVICES GENERAL ARRANGEMENT AND LAYOUT
YIP-C21-A-01-DR-M-308 P01	PROPOSED MECHANICAL SERVICES GROUND FLOOR ENTRNACE DOMESTIC WATER SERVICES GENERAL ARRANGEMENT LAYOUT
YIP-C21-C-01-DR-M-510 P02	PROPOSED MECHANICAL SERVICES ORGANIC WARD ROOF LEVEL

ABOVE GROUND DRAINAGE SERVICES  
LAYOUT

YIP-C21-C-01-DR-M-310 P01 PROPOSED MECHANICAL SERVICES  
ORGANIC WARD ROOF WALKWAY  
DOMESTIC WATER SERVICES  
GENERAL ARRANGEMENT LAYOUT

YIP-C21-C-00-DR-M-304 P01 PROPOSED MECHANICAL SERVICES  
GROUND FLOOR ORGANIC WARD  
DOMESTIC WATER SERVICES  
GENERAL ARRANGEMENT LAYOUT

YIP-C21-B-01-DR-M-509 P02 PROPOSED MECHANICAL SERVICES  
FUNCTIONAL WARD  
ROOF LEVEL  
ABOVE GROUND DRAINAGE SERVICES  
LAYOUT

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

3 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.

4 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development), have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same;

\* Provision of shelters and real time BLISS displays at inbound/outbound bus stops on Haxby Road adjacent to site

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

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

Reason: In the interest of satisfactory and sustainable drainage.

6 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.

Design considerations.

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.

Onsite assessment carried out under BRE Digest 365 on the 29<sup>th</sup> November 2017 proved that infiltration methods of surface water disposal are unsuitable in this location therefore 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 or if 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.

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

7 Prior to the commencement of the construction of the development, a detailed scheme of noise insulation measures for protecting the residential occupiers of the development from external noise sources shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To protect the amenity of the residential occupiers of the building.

8 Prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) outlining how the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be minimised 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.

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 CEMP should 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. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the amenity of local residents during demolition, site preparation and the construction of the development.

9 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not be the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities

of the area

10 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m<sup>3</sup>/s throughout the extraction system.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

11 Prior to the commencement of development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

ii. an assessment of the potential risks to:

-human health,

-property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

-adjoining land,

-groundwaters and surface waters,

-ecological systems,

-archaeological sites and ancient monuments;

iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

12 Prior to the commencement of 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) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 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.

13 Prior to the use of the facility hereby approved, 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.

14 In the event that unexpected 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

15 Prior to the operation of the mental health facility hereby approved, a plan showing the location of the three Electric Vehicle Recharging Points shall be submitted and approved in writing to the Local Planning Authority. The three Electric Vehicle Recharging Points shall be installed as shown on the approved plans. Within 3 months of the first occupation of the facility, an Electric Vehicle Recharging Point Maintenance Plan detailing the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point covering a period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. The three Electric Vehicle Recharging Points shall be maintained and operated in accordance with the details provided within the Electric Vehicle Recharging Point Maintenance Plan.

Note: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Also, to prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development in agreement with the Local Planning Authority. This ties in with a key theme of the NPPF, in that developments should enable future occupiers to make green vehicle choices and it explicitly states that 'developments should be located and designed where practical to incorporate facilities for charging plug in and other ultra low emission vehicles'.

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).

16 Prior to the commencement of development, scaled plans and part elevation/sections of the front facade including the brick patterns/bonds shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the design intent is carried through to adequate built resolution.

17 Prior to the commencement of the construction of the development, details to show how the building will incorporate hanging gutters and downpipes for each part

of the development shall be submitted and approved in writing by the Local Planning Authority. The building shall be constructed using these approved details.

Reason: the design of the whole building deliberately abstracts and simplifies traditional architectural forms into exaggerated and modelled domestic and agricultural shapes eschewing traditional domestic detailing like gutters and downpipes and this is a contributor to the design's success. This is not easy to detail and so can easily be design-engineered out in construction unless specifically monitored through condition.

18 Prior to the commencement of the construction of the development, scaled details of the freestanding entrance feature shall be submitted and approved in writing by the Local Planning Authority. The entrance feature shall be constructed using these approved details.

Reason: to ensure the building and entrance feature is elegantly carried through to construction.

19 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of sufficient size for all external building materials the external materials shall be submitted to and approved in writing by the Local Planning Authority prior to the start of the relevant work area. The development shall be carried out using the approved materials.

This is to include manufacturer's reference, and to be submitted together where appropriate (i.e. where built adjacent to each other) so they can be judged together.

Reason: So as to achieve a visually cohesive appearance.

20 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, brick sample panels (measuring at least 2x2m) should be constructed on site for all brick types, and bonding patterns in the proposed mortar and pointing shall be submitted to and approved in writing by the Local Planning Authority prior to the start of the relevant work area. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

21 Prior to the commencement of development, 3 woodcrete bat boxes (i.e. 2F Schwegler) shall be installed in nearby mature trees by an ecologist, and 6 hard wood bird nest boxes shall be installed within the application site.

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.

22 Details of all means of enclosure to the site boundaries, private courtyards and service areas shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences and shall be provided in accordance with the approved details before the development is occupied.

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

23 Notwithstanding what is shown on the approved plans, a lighting scheme including the position of all external lights, their luminance levels and contour plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall install lighting in accordance with the approved lighting scheme.

Reason: To ensure the development reduces opportunities for crime.

24 Prior to the commencement of the construction of the development, a scheme for CCTV covering the car park areas including details as to how it will be compatible with the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall install CCTV in accordance with the approved details.

Reason: To ensure the development reduces opportunities for crime.

25 Notwithstanding what is shown on the approved plans, no pedestrian or any other access shall be provided between the southern boundary of the application site and the St John's University Haxby Road playing fields.

Reason: In the interests of safety and management of the site.

26 Notwithstanding what is shown on the approved plans, prior to the construction of the development, a scheme for both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the hard and soft landscaping schemes.

Reason: In the interest of visual amenity and 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.

27 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be



submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

28 Prior to the operation of the mental health facility hereby approved, a plan showing the location of storage lockers for 30 staff cycles and the location of the Sheffield cycle stands for 10 visitor cycle spaces shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage lockers and cycle stands shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development.

Reason: In order to promote sustainable transport other than the car.

29 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes where applicable. It will also include details of ground preparation. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the landscape scheme, 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 within the entire site, since the landscape scheme is integral to the amenity of the development.

30 Before the commencement of development including demolition, excavations, building operations, an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound and marketing suite. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the

root protection area of existing trees. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant

31 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.

32 HWAY10 Vehicular areas surfaced, details reqd

33 HWAY13 Access to be improved

34 The development shall not operate until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the existing vehicular access to Haxby Road between the proposed Northern and Southern access points to match adjacent levels.

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

35 HWAY18 Cycle parking details to be agreed

36 HWAY19 Car and cycle parking laid out

37 HWAY21 Internal turning areas to be provided

38 Prior to each phase of the development commencing a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The a statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted

- a scheme for signing the promoted construction traffic routing

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

39 The development hereby approved shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines and the submitted Interim Travel Plan. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

## **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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

3. The applicant should be advised that the Internal Drainage Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

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

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

#### 5. INFORMATIVE:

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

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - (01904) 551550 - [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

Pavement Cafe Licence - Section 115 - Annemarie Howarth (01904) 551550 - [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk)

#### 6. 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

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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

7. All contractors involved in arboricultural works or the felling of trees on site to be made aware of the potential presence of bats and the need to follow standard good working practices in relation to bats;

- Wherever possible, work should be carried out between late August and early October or between March and April.

- Immediately prior to works the trees should be inspected by a suitably qualified ecologist.

- Where bat roost potential exists work should be conducted in a sensitive manner, using a 'soft felling' technique where the tree is carefully dismantled in sections and each section slowly lowered to the ground to leave the habitat intact, left for 48 hours and then carefully examined for the presence of bats before removal.

- In the unlikely event that bats are discovered when branches are removed or trees felled (particularly in winter), work must stop immediately and Natural England or the Bat Conservation Trust contacted. Advice will be given on how to proceed, including collecting up any bats with gloved hands and putting them into a bat box, if appropriate.

## 8. INFORMATIVE:

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.

### **Contact details:**

**Author:** Lindsay Jenkins

**Tel No:** 01904 554575

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