

## COMMITTEE REPORT

**Date:** 9 August 2018                      **Ward:** Guildhall  
**Team:** Major and                              **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 17/03027/FULM  
**Application at:** Quickslide Windows Direct 1 Redeness Street York YO31  
7UU  
**For:** Erection of 32no. Apartments following demolition of existing  
commercial unit with associated car parking, landscaping  
cycle and bin storage  
**By:** Mr Marc Black  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 13 August 2018  
**Recommendation:** Approve subject to prior completion of S106 agreement

### 1.0 PROPOSAL

1.1 The application site is located on the western side of Hallfield Road, with Redeness Street forming its northern boundary. There is a large development of flats on the eastern side of Hallfield Road, and a development of student accommodation to the immediate south east. A leisure use is accommodated to the west and commercial garage to the north. The site is occupied by a window sales company with associated parking. The wider area has previously been more commercial in character however it is in an area that has undergone significant change, with the student accommodation increasing the residential element.

1.2 Planning permission is sought for the erection of a 5 storey building fronting Hallfield and Redeness Street. The top floor is set back from the main frontage of the building. The accommodation would incorporate 8 no. 1 bedroom flats and 24 two bedroom flats. 32 cycle spaces would be provided in an enclosed store on the ground floor. Access would be from Redeness Road with an enclosed bin store near the entrance. A total of 16 car parking spaces would be provided.

1.3 The building is set back 7m from the edge of Hallfield road, reducing to 6m near the corner with Redeness Street. The middle three floors each have a balcony. The building would be constructed from brick, with standing seam cladding to the fifth floor, and powder coated coping. An amenity area will be provided on the roof serving the top floor flats.

1.4 The Environment Agency website identifies that the site lies within Flood Zone 1 (low risk).

## Environmental Impact Assessment.

1.5 The proposed development does not comprise 'Schedule 1' development where an Environmental Impact Assessment is always required. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of Regulations. However it does not exceed the relevant threshold, or meet the criteria in the second column of Schedule 2. Furthermore the site is not an environmentally sensitive area as defined in Regulations. Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development. Thus an Environmental Impact Assessment is not required in this case.

## Relevant Planning History

1.6 06/01994/FUL Change of use from workshop (use class B1) to retail (use class A1) (bulky goods).

## **2.0 POLICY CONTEXT**

### 2.1 Publication Draft York Local Plan 2018 ('2018 Draft Plan'):

Policy D1 Placemaking  
Policy D2 Landscape and setting  
Policy G12 Biodiversity  
Policy G14 Trees and Hedgerows.  
Policy CC2 Sustainable Design and Construction  
Policy ENV1 Air Quality  
Policy ENV2 Managing Environmental Quality.  
Policy ENV 4 Flood Risk  
Policy ENV 5 Sustainable Drainage  
Policy H3 Balancing the Housing Market  
Policy H10 Affordable Housing

### 2.2 Development Control Local Plan (DCLP) 2005

Policy GP1 'Design'  
Policy GP4a 'Sustainability'  
Policy GP9 Landscaping  
Policy H3c Mix of Dwellings on Housing sites  
H4a Housing Windfalls

## 3.0 CONSULTATIONS

### INTERNAL

#### Highway Network Management

3.1 No objections to the proposed development of 32 apartments in this sustainable location. Access is to be taken from Redeness Street. Covered secure cycle parking would be provided within the building with generous access arrangement. The provision is to a level of 1 cycle space per unit. This meets CYC minimum standards. The site is well served by local cycle links and routes.

3.2 The development is close to public transport, amenities and within reasonable walking distance from the city centre. Located in Guildhall, the number of cars per household is the lowest in the city, with 51% of households only owning no car and only 40% owning 1 car. For a development of 1-2 bedroom flats lower levels of parking than larger apartments of 3-4 bedrooms are anticipated. Parking restrictions are widespread in the locality, with some availability of parking space on Redeness Street after 6pm on a first come first served basis. City centre car parks are within walking distance of the site.

#### Public Realm

3.3 No requirement for off-site play and amenity open space due to pooling restrictions. There would be an off site contribution for the provision of outdoor sports facilities, as there is no provision on site. Based on the housing mix of 8 x 1bed properties and 24 x 2 bedroom properties and the published open spaces commuted sum calculations we would expect an off site contribution of £11,928. This will be spent at Heworth Rugby Club to improve the facilities for players and to allow junior and female players to use the facilities.

#### Public Protection

#### Noise

3.4 A noise assessment has been submitted. The area is dominated by traffic noise. Whilst there is potential for noise from the student accommodation there is no evidence of this. The report recommends standard double glazing and acoustic trickle vents on the Hallfield Road façade and standard double glazing and standard vents on the other facades to ensure traffic noise levels are reduced to an acceptable level within the building. (In line with the standards detailed in BS8233:2914 and the World Health Organisation Guidelines on Community Noise). This would offer a substantial reduction in internal noise, however most of the noise is from traffic and therefore would expect to have seen a glazing standard which specifically includes a traffic noise weighting.

3.5 The initial report made no reference to the potential for tonal noise or similar arising from plant and machinery the area. The applicants consultants responded to concerns and explained how the glazing they propose will meet the internal levels without the specific need to address low frequency noise. Having reviewed their position their assertions are accepted and would request that revised condition is imposed. Based on the findings of the noise report do not consider that noise will be a barrier to residential development in this location subject to conditions requiring a detailed scheme for noise insulation.

#### ii Land Contamination

3.6 The Stage 1 Desk Study Report shows that the site has been used for a number of different uses, including brickworks, terraced housing, warehousing and car body repairs. A gas works, railway line and refuse destructor depot were also previously located nearby. These uses could have given rise to land contamination, so a site investigation is required to find whether contamination is present. If contamination is found, remedial action together with verification will be required.

#### iii Air Quality

3.8 There is limited parking associated with the proposal, and it is unlikely to impact significantly on local air quality concentrations. A full quality impact assessment is therefore not required. Current air quality is considered suitable for residential development although a further multi storey building in this location will further reduce opportunity for pollution dispersal in what is currently quite an open area. Would not want the building brought any further towards Hallfield Road. Would not wish to see the use of Biomass in this location. An electric vehicle charging point should be provided prior to occupation.

#### Design Conservation and Sustainable Development (Urban Design)

3.9 Based on the revised plans that include the set back from the road and landscape setting, the visual impact of the bulk on the street scene is just within acceptable limits. Confirm that the proposal does not impact on the setting of the listed chimney and therefore does not affect its significance. Whilst some views of the listed chimney from the site and its vicinity will be affected by the development, these are not key views and also, because the visual impact of the proposal from the chimney at ground level will also not be significant. The development does not impact on the setting of adjacent conservation areas (Central Historic Core and Heworth/Heworth-Green/East Parade).

#### Design Conservation and Sustainable Development (Landscape Architect)

3.10 James Street, Hallfield Road, and more recently Eboracum Way, and the retail development on Foss Islands Road, form an evolving street scene in which street

trees play a defining role in the character of the area. Young street trees are now well established. This proposed development sets the building block back from the road a sufficient distance to sustain a line of substantial street trees, which should be of a scale fitting for the proposed building height. This is also applicable to the trees along the southern boundary. If a development of this form is deemed acceptable, it would be appropriate to have a mixed hedge and a row of trees along the road front using a narrow variety of a sizeable species such as Lime, Hornbeam, Maple. The tree in the centre of the car park could make a very valuable feature of the development, given the right growing conditions. As this is currently an area of hard standing, which would in turn be surrounded by hard standing, it is paramount that all construction material is excavated and removed from the entire shrub bed. To be sure of this please request a specification under condition.

3.11 It would be appropriate to create some openness and a sense of space in front of the ground floor apartments with the introduction of a wildflower lawn, such as Emorsgate EL1 Flowering Lawn Mixture. The planting scheme should also employ the use of climbers and semi-climbing ground cover to soften boundaries and walls.

### Flood Risk Management

3.12 Initial concerns regarding the lack of evidence provided to discount the use of infiltration methods of surface water disposal. On the basis of the additional information, The Flood Risk Management Team has no objections to the development in principle subject to conditions to protect the local aquatic environment and Public Sewer network.

### Waste Management

3.13 The bin store looks well located. A development of 32 flats would need the amount of bins below;

- 5 x 1100 litre refuse bins
- 4 x 1100 litre recycling bins (2 x paper/ card 2 x plastic / cans)
- 2 x 660 litre recycling bins (glass)

The bin store should be built to accommodate this amount of bins.

### Housing Strategy Team

3.14 It was reported by the District Valuer (DVS) in March that the initially proposed scheme could provide 20% affordable housing in line with current CYC policy.

Following submission of revised costings the developer viability appraisal was again referred to the DVS who agreed a number of revisions, with a concluding

recommendation that the proposed site development could provide 10.66% affordable housing, at current CYC transfer values. The applicant accepts the findings of the DVS appraisal and CYC Housing Development Officers also concur.

The revised scheme now has a substantially higher build cost, which the DVS accepts, and these costs are also reflected in the unit values as the quality of the building and individual units is superior to that first envisaged.

At 10.66% the submitted proposal would generate 3.4 affordable affordable homes (3 on site plus a commuted payment in lieu of 0.4 units). It is reported that, where the 20% policy target cannot be met, CYC planning policy allows us to consider making up the shortfall through public subsidy or revisions to tenure and/ or transfer price.

These options have been investigated with Registered Providers and Homes England, and a commuted payment in lieu of provision on site is preferred in this instance. The applicant reports that service charges will initially be set at £1,100 per annum and ground rent at £250 pa. This would add £112.50 per month to tenant rent charges, which would not be affordable.

On balance, and without compromising the key aim to provide affordable housing on site, officers recommend that a commuted sum be accepted in this instance. That sum will be calculated as open market value minus transfer price, and will be available to spend on emerging affordable housing projects in York.

## EXTERNAL

### Yorkshire Water

3.16 Foul water will discharge to public combine water sewer. Surface water will discharge to public water sewer via storage with restricted discharge. Recommend a condition to secure compliance with Submitted Flood Risk Assessment.

### Foss Internal Drainage Board

3.17 There are no Board maintained watercourses in the vicinity.

### Police Designing Out Crime Officer

3.18 An analysis of police recorded incidents covering a 300m radius of the proposed development highlights the presence of crime and anti-social behaviour in the area which could impact upon the security of the scheme. In summary, there were 221 crimes and 70 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 in context for North Yorkshire as being at a high level.

However, a high number of thefts in the area mainly relate to shoplifting and are not relevant to this proposal.

3.19 It is desirable for each property to have its own defensible space. Building for Life 12 (2016) recommends clearly defining private and public spaces with clear vertical markers, such as railings, walling or robust planting. Unrestricted access around apartment blocks can lead to nuisance and casual intruders being able to look for crime opportunities such as thefts through open ground floor windows/doors etc. It is recommended that where possible, the landscaping create a buffer zone of 'defensive' planting alongside the building line, to create 'defensible space'. This will ensure privacy and security for ground floor apartments.

3.20 It is not clear from the submitted drawings as to whether there will be a physical barrier around the parking court. Without one there is the potential for a 'desire line', described as a path that pedestrians take informally rather than taking a footpath or set route, from Hallfield Road to Redeness Street,

3.21 It is noted that the communal entrance, bike store entrance and bin store are contained within the tunnel of the bridging unit. The dark secluded positioning of these entrances does not make it ideal from a security and safety perspective. Very poor natural surveillance and light levels will make users of this space vulnerable. Consequently, I cannot support this application unless the positioning of these entrances is addressed. External lighting is recommended to each elevation that contains a doorset. This lighting should be switched using a photo electric cell (dawn to dusk), as a constant level of illumination is more effective than PIR lamp activations which can increase the fear of crime particularly for the elderly.

## Publicity

3.22 Eleven letters of objection received which include the following comments:

- Scale and size will be very dominating. It is higher than apartments on Layerthorpe and also the new student development. Single storey developments to other side. Taking account of proposal and the existing Brickworks will create a nearly continuous high wall and will therefore seriously impact on sunlight and views towards the city.
- Adverse impact on privacy.
- Welcome new development but too large. Should be limited to three stories. York quite rightly keeps its buildings low.
- Will have significant impact on outlook from existing apartments on Hallfield Road as the building is barely set back.
- Building of this size must have some impact on daylight/sunlight contrary to what is stated, especially in the evenings.

- The 3D images are misleading and show surrounding buildings with a flat roof. This is not the case. The design should be more sympathetic to the apartments opposite and have a sloping roof.
- Concerned regarding lack of parking. Council's standards are one space per flat and one per four visitors. Proposal is way under this. Losing existing parking on the site. Already inadequate parking in the area.
- Insufficient EV charging. Government have mandated that from 2040 will require electric propulsion. So installing one charging point is insufficient. Retrofitting will be expensive and disrupting. Cabling should be provided to each parking space.
- If only one electric parking space it will have to be reserved for that purpose and not assigned to a flat.
- Concerned regarding air quality for the residents and question whether an air quality assessment should be completed unless the developer is installing mechanical ventilation on the side.
- Currently enjoy a view of York Minster., which will be lost. The view is a key part of the value, attraction and standard of living of the properties on the east side of the road. Property values will be affected. Consideration should be given to reducing the height of the building.
- The proposed building will overpower the existing ones and should lose at least one floor.
- Looking from Layerthorpe along Hallfield Road will start to look alike a valley with the shadow caused by this new development. Consider that three stories is the ideal height. Object to the height of the revised proposed building plan, due to restrictions on light it would cause to the apartments' opposite on Hallfield Road. Although some alterations have been made, the height from the original plan remains the same.
- Hallfield Road has not benefitted from any of the greenery/trees. It would be of value to all residents on either side of Hallfield Road if some garden area actually was planted to a reasonable depth, to provide less of a tunnel impact and be aesthetically pleasing surroundings.

#### **4.0 APPRAISAL**

##### **KEY ISSUES:**

- Principle of the use
- Design
- Impact on Heritage Assets
- Neighbour amenity
- Landscape
- Open Space
- Crime and safety
- Highways



- Drainage
- Air quality/ Land contamination and noise considerations
- Contributions

## LEGISLATIVE FRAMEWORK

### 4.1 Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990

includes a duty to have special regard to the desirability of preserving the setting of listed buildings in exercise of planning functions.

## PLANNING POLICY

### National Planning Policy Framework (NPPF) July 2018

4.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning principles. Paragraph 59 affirms the Government's objective of significantly boosting the supply of homes. At paragraph 121, to make effective use of land, it states that local planning authorities should support proposals to use retail and employment land for homes in areas of high housing demand provided that this would not undermine key economic sectors or sites or the vitality and viability of town centres and would be compatible with other policies in the Framework. To ensure the vitality of town centres, the NPPF states that planning decisions should take a positive approach to their growth management and adaptation.

### Publication Draft York Local Plan 2018

4.3 The Publication Draft Local Plan ("2018 Draft Plan") was submitted for examination on 25 May 2018. The emerging Local Plan policies contained within the 2018 Draft Plan can be afforded some weight at this stage of its preparation subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 48 of the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications. Policy D1 supports developments that take account of local distinctiveness and make a positive design contribution. Policy D2 relates to landscape and setting. Policy D4 relates to development within or affecting the setting of a conservation area. Policy G12 seeks to conserve and enhance York's biodiversity. Policy G14 relates to the value of trees and hedgerows. Policies CC1 and CC2 relate to sustainable design and energy efficiency. Policy T1 supports development where it minimises the need to travel and provides safe suitable access. Policy H3 seeks to balance the housing market across the plan period and work towards a mix of housing identified in the Strategic Housing Market Assessment. Policy H10 seeks to maximise affordability by supporting residential schemes which provide affordable housing. Policy SS3 states that the city centre is

fundamental to delivering the plan's economic vision and remains the focus for main town centre uses.

4.4 It is considered that in accordance with paragraph 48 of the NPPF, taking account of the stage of preparation of the 2018 Draft Plan, the lack of significant objection and the degree of consistency with the NPPF these policies carry moderate weight.

#### The Development Control Local Plan 2005

4.5 The Development Control Local Plan (Incorporating the Fourth Set of Changes) was approved for development management purposes in April 2005 (DCLP). 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 but are of very limited weight. Policy HE2 relates to development in Historic Locations. Local Plan policy L1c requires developments to make provision for the open space needs of future occupiers. The type of open space required is dependent upon whether the existing open space in the locality is adequate, and whether it has the capacity to accommodate the proposed development.

#### THE PRINCIPLE OF THE USE

4.6 The site is currently occupied by a double glazing sales operation (Quick Slide Windows Direct) and operates as an A1 'bulky goods' use class (planning permission Ref: 06/01994/FUL). The applicant has stated that Quick Slide Windows Direct have confirmed that the continued use of this A1 'Retail' premise is no longer a viable option for the following reasons:-

- i. Location is busy/congested which complicates the receipt/delivery of bulk goods;
- ii. The location has been a key catalyst for a decrease in footfall.

4.7 The retail element of the site is constrained by a condition to restrict the sale of non-bulky goods. The reason for the condition was to minimise the impact of comparison goods sold at these stores competing with York City Centre retail outlets selling the same goods. At the time of the permission the unit was outside the defined city centre. The restriction on sales is such that it limits the scope for other retail uses occupying the building.

4.8 The site now falls within the city centre as identified in the Publication Draft Local Plan. The plan identifies both primary and secondary shopping areas. Whilst the site is within the defined city centre it is towards the periphery and is not within a primary or secondary shopping area. Policy SS3 states that ' Change of use of existing Use

Class A will be resisted'. Nevertheless, given the location of the site on the periphery of the city centre Area, it is not considered that the loss of this retail use will impact on the vitality and viability of the city centre.

4.9 Furthermore, the land opposite the site is in residential use, with student accommodation to the rear, and an allocation in the Publication Draft plan for residential development to the front of the site. Taking together these immediate uses, there is no doubt that it is an area in transition. Accordingly, maintaining the site for retail use for bulky goods sales could result in an incompatibility with this area that has increasing numbers of residential uses. This potential 'incompatibility' is recognised in the commentary that supports Policy EC2: Loss of Employment Land of the Publication Draft Plan.

4.10 NPPF paragraph 121 states that to make effective use of land, local planning authorities should support proposals to use retail and employment land for homes in areas of high housing demand provided that this would not undermine key economic sectors or sites or the vitality and viability of town centres and would be compatible with other policies in the Framework.

4.11 Policy H3 of the Publication Draft Local Plan states that proposals for residential development will be required to balance the housing market by including a mix of housing types which reflects the diverse mix of need across the city. It further states that the housing mix should have reference to the Strategic Market Housing Assessment (SHMA). The SHMA demonstrates a particular need for 2 and 3 bedroom accommodation, however there is still a need across a spectrum of house types. In this context it is considered that the provision of 8 no. 1 bedroom apartments and 24 no. 2 bedroom apartments is acceptable. It is further considered that the quality of the accommodation provided is acceptable. SS3:York City Centre states that housing is considered an appropriate use in the city centre.

4.12 On balance, it is not considered that the loss of the site for retail use would have an adverse impact on the vitality and viability of the city centre and that the use of the site for residential purposes is in accordance with paragraph 121 of the NPPF and the stated aim of boosting the supply of housing. The development of the site for housing will help to deliver a wide choice of housing whilst resulting in the effective use of land by re-using land that is previously developed.

## AFFORDABLE HOUSING

4.13 The NPPF states that where local planning authorities have identified that affordable housing is needed, they should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.

4.14 Policy H10: Affordable Housing, of the Publication Draft Plan requires 20%

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provision on brownfield sites. The application was accompanied by a viability statement which was assessed by the District Valuer who concluded that the site is capable of delivering the required provision. Following on from a more detailed consideration of build costs, the developer submitted a revised viability statement. This was re-assessed by the District Valuer who concluded that 10.66% affordable housing was a viable contribution. This equates to 3.4 units (i.e. 3 on site and 0.4 as a commuted payment). In cases where the 20% policy target cannot be met, CYC planning policy allows us to consider making up the shortfall through public subsidy or revisions to tenure and/ or transfer price. These options have been investigated with Registered Providers and Homes England, and a commuted payment in lieu of provision on site is preferred in this instance.

4.15 On balance, and without compromising the key aim to provide affordable housing on site, officers recommend that a commuted sum be accepted in this instance. That sum will be calculated as open market value minus transfer price, and will be available to spend on emerging affordable housing projects in York.

4.16 The contribution satisfies the tests at regulation 122 of the CIL Regulations, which require obligations to be a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

## DESIGN AND LANDSCAPING

4.17 The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. This emphasis on good design is detailed at section 12 of the NPPF, and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

4.18 The area is in transition, with a more traditional four storey block of flats fronting Hallfield Road and directly opposite the site. To the immediate rear is a more contemporary design with a four storey building comprising student accommodation. To the side of the site, the existing building is single storey, with a variety of heights and design of buildings fronting Layerthorpe. The area does not have a cohesive character; however the predominant building material is brickwork. The site is currently occupied by a single storey building situated within a large tarmac parking area. The proposed building will be visible from Hallfield Road and Redeness Street, and in addition from Layerthorpe and Eboracum Way.

4.19 During the consideration of the application a number of objections from neighbouring occupiers raised concern that the building was too tall, and should be no greater than three stories. Officers also raised concern regarding the scale of the building, and its impact on this area. Negotiations were carried out with the

applicant, and a number of changes were made to the plans to take account of the concerns raised. The changes include:

- Increase in the width of the landscape buffer
- Continuation of building along Redness Street, to continue the street frontage, and screen the car parking.
- Bike store revised to provide external access.
- Maintenance strip around the building provided.
- Roof top amenity area revised to provide better security.
- Top floor set further back on the corner to reduce the dominance of the fifth floor.

4.20 The site is in an area where there are other large scale buildings. The top of the fourth floor is slightly higher than the recent student accommodation to the rear, and slightly lower than the ridge height of the flats that are opposite the site on Hallfield Road. The fifth floor however adds a greater height than both these buildings. Nevertheless it has been designed as a subservient structure by virtue of the variation in materials, and the set back from the edge of the main part of the building.

4.21 Officers have taken account of the concerns raised by objectors in carrying out these negotiations. However the building has been set behind a landscape buffer of a meaningful size which varies in depth between 6m and 7m from the footpath alongside Hallfield Road. It is intended that the area will be planted with low level shrubs/wildflower mix together with a row of trees. The layout also shows a narrower strip along the frontage with Redness Street, along the boundary with the existing building to the south west, and along the boundary with the student accommodation to the south. There is also a proposal for a large tree to be sited within the parking area, and visible from Redness Street. The Council's Landscape Architect has advised that the proposed development sets the building block back from the road a sufficient distance to sustain a line of substantial street trees, which should be of a scale fitting for the proposed building height. This is also applicable to the trees along the southern boundary. It would be appropriate to have a mixed hedge and a row of trees along the road front using a narrow variety of a sizeable species such as Lime, Hornbeam, Maple.

4.22 The landscaped setting of the building will provide a continuation of the existing landscaping along St James Street, and lead to an enhancement in an area that is becoming more residential in character. It is considered, therefore, that the more subservient design of the upper floor of the building, the set back of the building from the edge of Hallfield Road, together with the proposed landscaping is such that the scale of the building is appropriate in this location.

## HERITAGE CONSIDERATIONS

4.23 Officers have assessed the impact of the development in relation to the Foss Islands chimney. It is not considered that the development will impact on the setting of the listed chimney and therefore does not affect its significance. This is because, whilst some views of the listed chimney from the site and its vicinity will be affected by the development, these are not key views and also, because the visual impact of the proposal from the chimney at ground level will also not be significant.

## NEIGHBOUR AMENITY

4.24 The NPPF at paragraph 127 states that planning should ensure a high standard of amenity for existing and future users. A number of objections in relation to amenity have been received from neighbouring occupiers that live opposite the site. Their objections relate principally to loss of view of the Minster, overlooking, overbearing impact and impact to daylight/sunlight. In relation to views of the Minster, views over private land carry very little weight as a material planning consideration.

4.25 However, "outlook" is a different concept and differs from a view in that it relates to the openness enjoyed by occupants of a property. This includes, for example, having a reasonable sight of the sky through windows and being able to look an appropriate distance beyond a property. In this case, the site is previously developed land situated in a very urban part of the city. It is an area where significant change has occurred. This includes in particular the student accommodation to the rear, and the area on the other side of Layerthorpe which includes the Travelodge Hotel, together with the new link road. The flats on the north eastern side of Hallfield Lane comprise a large building that is located close to the edge of the footpath. It is therefore considered that the context of the site lends itself to a development of a similar scale. Whilst it is acknowledged that the proposed building includes an additional storey in comparison to the flats opposite the site, the bulk has been reduced to a certain extent by the top storey being set back. It is further considered that there will be significant benefits in terms of the proposed landscaped setting to the building. At a depth of between 6m and 7m, it is considered that subject to details, the landscaping would improve the streetscene, and a softening of the building that will be of benefit to residents opposite the site. The set back from the road would reduce any feeling of 'tunnelling' that could occur if the proposed building is located close to the edge of the footway.

4.26 The applicant has also submitted drawings demonstrating that the proposed development accords with the '25 degree rule', in respect of the residential properties fronting Hallfield Road. This is a commonly accepted rule of thumb devised by the Building Research Establishment. It works on the principle that suitable daylight for habitable rooms is achieved when a 25 degree vertical angle taken from the centre of the lowest windows remains unobstructed. This

demonstrates sufficient 'sky visibility'. A daylight study carried out for the month of June shows that the buildings opposite the site are not overshadowed by the development. The plans also show that the building will cause some over shadowing during the afternoon in the winter months. However the separation of the site to those houses on Hallfield Road is such that any impact is not considered to be sufficiently detrimental to warrant refusal.

4.27 In terms of privacy the building is separated from those residential properties opposite by a distance of between just under 25m at the southern extent of the site, increasing to approximately 28.6m. In the context of the site, fronting a public highway, it is considered that separation is acceptable. It is acknowledged that the inclusion of balconies can increase the perception of overlooking, but again in this context it is considered that the separation is acceptable, and will not result in a significant adverse impact on the amenity of neighbouring occupiers.

4.28 There is a closer relationship in terms of the proximity to the student accommodation to the south. The proposed building is only 8m away at this point. This is a distance that would not usually be considered acceptable in relation to proximity to residential property. However given the transitory nature of the occupation of the student accommodation, it is not considered that the proposed building will have a significant adverse impact on amenity, by virtue of its bulk or overbearing impact. Furthermore, this close relationship only relates to the north eastern end of the student building.

4.29 In relation to privacy, the flats at the south eastern corner of the proposed building have windows that face towards the student accommodation. There is also glazing on the corner of the stairwell. The stairwell will be used for those in transit with only glimpsed views outside. However the elevations show that the corner windows are obscure glazed to reduce the potential for impact on privacy. It is also recommended that the balconies on the rear of the building on floors 1, 2 and 3 nearest to the student accommodation should have privacy screening on the elevation that faces towards that building. These elements are shown on the revised elevations and floor plans.

4.30 Given the non residential use of the other neighbouring buildings, it is not considered that there will be an adverse impact on the occupants.

## HIGHWAYS AND SUSTAINABLE TRANSPORT

4.31 The National Planning Policy Framework states that in assessing applications it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be taken up given the type of development and its location
- safe and suitable access to the site for all users

- any significant impacts from the development on the transport network or on highway safety can be mitigated to an acceptable degree.

4.32 The development will be accessed from Redeness Street. Covered secure cycle parking is provided on the basis of 1 cycle space per unit. This meets CYC minimum standards. There are good local cycle links and routes in the vicinity. The development provides 16 parking spaces, which is one space for every two apartments. A number of objections have been received that express concern regarding the loss of parking on site, and the inadequate provision on the site. The objections further state that in surrounding streets there is already an issue with people parking and walking into town, although they advise that in such cases they vacate the parking spaces overnight. Another comment states that the building could provide further parking spaces by providing an underground car park. The current CYC parking standards are maximum and require one space per dwelling plus one visitor space per four dwellings. The NPPF advises that in setting parking standards, policies should take into account the accessibility of the development, the type, mix and use of the development, the availability of public transport and local car ownership levels.

4.33 Reflecting its central and accessible location, Guildhall has one of the lowest car ownership levels in the city with 51% of households owning no car and only 40% owning 1 car, and furthermore that surrounding roads and junctions are protected by parking restrictions. In addition, it is of particular importance that the site is located in a very sustainable location. There are very regular local buses running in close proximity to the site, with further buses to more distant places of employment and recreation. The city centre and places of work, amenity, and schools are all within walking and cycling distance of the site. Given the sustainability of the location, it is considered that the parking provision is acceptable and is appropriate for this location.

4.34 One objection has been submitted in relation to the limited number of electric parking spaces, and furthermore states that if the proposed space is allocated to a particular unit it would not be available for use by anyone else. The site is in a location that encourages use by sustainable modes of transport such as public transport, bike or walking. On that basis it is not considered that there is a requirement for additional charging points.

## DESIGNING OUT CRIME

4.35 Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning



functions under the Town and Country Planning legislation. In this case, there is a high level of natural surveillance around the building due to its location on a well trafficked road, with flats and student accommodation adjacent to two boundaries, and the internal courtyard overlooked by the building itself.

4.36 The Police Designing Out Crime Officer has raised concerns regarding certain aspects of the scheme. Most areas of concern can be addressed by additional boundary treatment, and security lighting. However the communal access that is set back from the road under the upper stories of the building is not supported. The applicant has advised that security lighting will be provided in this area, and furthermore vehicular and pedestrian access gates can be provided to the front line of the recess, together with good levels of lighting within. It is further noted that the site is within an area of change with increasing numbers of residential properties in the area. Indeed the land directly opposite the application site is allocated in the 2018 emerging plan for residential use. Such changes will increase pedestrian movement and natural surveillance around the site. It is considered that the imposition of a condition requiring precise details of crime prevention measures to be submitted for approval will address the need take account of community safety.

#### OPEN SPACE AND AMENITY FOR FUTURE OCCUPIERS

4.37 Policy G16: “New Open Space Provision” of the 2018 Draft Plan requires that all residential development proposals should contribute to the provision of open space for recreation and amenity. Open space is divided into 3 separate typologies; amenity open space, play space and sports provision. However, due to pooling restrictions imposed by Central Government, there are no requirements for off-site play and amenity open space in this case. There would, however, be a requirement for an off site contribution for the provision of outdoor sports facilities, as there is no provision on site. Based on the housing mix of 8 x 1bed properties and 24 x 2 bedroom properties and the published open spaces commuted sum calculations, there would be a requirement of £11,928 for outdoor sport provision. This will be available for Heworth Rugby Club to improve the facilities for players and to allow junior and female players to use the facilities. The contribution satisfies the tests at regulation 122 of the CIL Regulations, which require obligations to be a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. This can be secured through a Section 106 Agreement.

4.38 In terms of on site provision, whilst there are no outside seating areas within the site, there is a small area on the roof of the building, with access for all flats, together with balconies for the flats on all floors (other than the ground floor). The site lies in an area where there is a park and tennis courts in easy walking distance on East Parade, Cycle and footpaths are situated nearby, and there is also a private gym in close proximity. In view of this it is considered that the amenity provision is acceptable.

## SUSTAINABILITY

4.39 The site is considered to be in a sustainable location with good pedestrian and cycle facilities in the local area. Local facilities and bus stops served by frequent public transport services are within very close walking distance of the site. The development would also benefit from covered and secure cycle parking.

4.40 In terms of building sustainability, Ministerial Guidance states that decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy. The applicant has, however, advised that appropriate and efficient forms of heating and powering of the building will be adopted to meet with the requirements of Part L2 of the Building Regulations. At least 1 free-standing weatherproof outside electric car recharging point will be provided within the development.

## CONTAMINATION, NOISE AND HEALTH AND SAFETY CONSIDERATIONS

4.41 The application is accompanied by a Stage 1 Desk Study Report. This shows that the site has been used for a number of different uses, including brickworks, terraced housing, warehousing and car body repairs. A gas works, railway line and refuse destructor depot were also previously located nearby. These uses could have given rise to land contamination, so a site investigation is required to find whether contamination is present. If contamination is found, remedial action together with verification will be required. In relation to the gas holder, this is no longer operational, and its Hazardous Substances Consent has been revoked.

4.42 In terms of noise, paragraph 180 of the NPPF states that decisions should avoid noise giving rise to significant adverse impacts on health and the quality of life. Based on the findings of the submitted noise report, and details of the type of windows, it is not considered that noise will be a barrier to residential development in this location subject to conditions requiring a detailed scheme for noise insulation. Conditions have also been recommended to restrict hours of construction and demolition work. A recommended condition restricting deliveries post development is not considered to be reasonable, enforceable, or necessary to make the development acceptable.

4.43 In terms of air pollution, Public Protection have advised that current air quality is considered suitable for residential development. A letter of objection has raised concerns regarding air quality for the residents of the flats and questions whether an air quality assessment should be completed, unless the developer is planning on installing mechanical ventilation vented to the west side of the building for all flats. Public Protection Officers have advised that whilst a further multi storey building in this location will reduce opportunity for pollution dispersal in what is currently quite an open area, there is limited parking associated with the proposal and it is unlikely

to impact significantly on local air quality concentrations. A full air quality impact assessment is therefore not required in this instance.

## DRAINAGE

4.44 Planning applications for major developments are required to provide Sustainable Drainage Systems (SuDS) for the management of surface water run-off, unless demonstrated to be inappropriate or disproportionately expensive. SuDS aim to mimic natural drainage and can achieve multiple objectives such as removing pollutants from urban runoff at source, controlling surface water runoff from developments, and ensuring that flood risk is not increased downstream. The application is accompanied by a drainage report indicating that the surfaces of the site are 100% impermeable, and furthermore that it is unlikely that infiltration will be acceptable. There are foul, combined and surface water sewers on three sides of the site. The nearest watercourse to the site is 127m away. The site is positively drained as evidenced by downspouts from the roof and there are road gullies in the surrounding streets. Given this, the expected ground conditions, and the fact that there are no watercourses near the site, it is proposed that post development surface water runoff is directed to the surface water sewer which follows the hierarchy of surface water disposal set out in the NPPF. The Council's Lead Flood Officer has raised no objection to the proposal subject to conditions to require separate system drainage, and surface water attenuation.

## 5.0 CONCLUSION

5.1 The site is previously developed land and the loss of the retail use is unlikely to adversely impact on the vitality and viability of the city centre. The development of the site would support housing growth within proximity to a range of facilities and jobs, together with the supply of affordable housing. It is not considered that the element of harm to the existing amenities of neighbouring occupiers is so great as to outweigh the benefits of the development. The development is in a sustainable location which will enable those living there to walk to work, shops and other facilities. There are regular local and regional bus services in close proximity. It is not considered that the objections raised outweigh the benefits of the delivery of housing on previously developed land in a sustainable location.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve subject to the prior completion of a Section 106 Agreement to provide a contribution of £11,928 towards off-site sports provision in the city (index-linked) and the provision of affordable housing. Delegated authority to be given to the Assistant Director (Planning and Public Protection) to negotiate a commuted sum in lieu of the on site provision of affordable housing, calculated as open market value minus transfer price.

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:-

Proposed Site Plan 2965-100-E

Site Location Plan 2965-1250

Block Plan 2965-103

Proposed Site Plan Showing Indicative Visibility Lines 2965-104

Proposed Plans 2965-200-F

Proposed Site Sections Demarcating Visibility Lines 2965-300

Proposed Elevations and 3D Views 2965-400-F

Proposed Streetscene Elevations 2965-401-D

Section to Show Line of Sight from Proposal To The Brickworks 2965-301

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance with surrounding development.

4 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building hereby approved, and the development shall thereafter be carried out in accordance with the approved details.

Eaves details

Window details including profile, method of opening and depth of reveal.

Rainwater goods and soil pipes

Details of balconies

Bin store elevations

Top floor balustrade at wall edge

Top floor cladding and glazing

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the visual amenities of the area.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), the windows and balconies shown to be obscured glazed on the submitted drawings titled Proposed Plans 2965-200-F and Proposed Elevations and 3D Views 2965-400-F shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

Reason: In the interests of preserving the amenities of occupiers of The Brickworks.

6 Notwithstanding the details included within the application, prior to the commencement of the development, a statement of crime prevention measures to be incorporated in to the design of the scheme together with a detailed method statement for the implementation of the measures shall be submitted to and approved in writing by the local planning authority. The scheme shall include (but is not restricted to):

- Details of security measures for the entrance lobby
- A CCTV security camera system covering the lobby and other areas identified as vulnerable as part of the crime prevention statement.
- Details of security of the cycle parking and the locking mechanism for doors within the cycle parking.

Reason: In the interests of crime prevention.

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

Reason: In the interest of satisfactory and sustainable drainage.

8 No development (excluding demolition and site clearance) 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. Unless otherwise agreed in writing with the Local Planning Authority, the information shall comply with the details shown in the submitted Flood Risk Assessment 3979/DA/Final/v1.0/2017-12-15 prepared by Weetwood, and shall provide site specific details of:

- i) the means by which the surface water discharge rate shall be restricted discharge to 1 in 1 = 7.2 l/s, 1 in 30 = 20.1 l/s and 1 in 100 = 23.3 l/s, and
- ii) the means by which the surface water attenuation up to the 1 in 100 year

event with a 30% climate change allowance shall be achieved.

iii) future management and maintenance of the proposed drainage systems.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. It is necessary to require this information prior to commencement of any ground works on site as the provision of drainage is fundamental to the delivery of the scheme and the drainage works may result in an adverse impact on planned landscaping.

9 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.

10 No development shall take place until there has been submitted to 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; and seeding mix, sowing rate and mowing regimes. The landscape scheme will also include a specification for ground preparation. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which 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 approves 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.

11 No construction work 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.

Reason: To ensure a satisfactory standard of residential amenity for future occupants. Such works are required prior to construction work as any such insulation will be integral to the structure of the building.

12 Prior to the installation of any machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, details shall be submitted to, and approved in writing by the local planning authority. 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 exceed 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.

13 Except in the case of an emergency, no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays, excluding bank holidays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents.

14 Prior to 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. Such work is required pre-commencement because such an assessment could impact on all parts of the development include site preparation.

15 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) 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. Such work is required pre-commencement because such an assessment could impact on all parts of the development include site preparation.



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

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

17 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.

18 Before the occupation of the development an Electric Vehicle Recharging Point shall be provided in a position and to a specification to be first approved in writing by the local planning authority. The Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket. Each Electric Vehicle Charge Point should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

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

19 With the exception of security/emergency lighting, there shall be no external lighting on the building or within its curtilage, unless details have first been submitted

to and approved in writing by the Local Planning Authority. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

Reason: In the interests of neighbour and visual amenity.

20 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

21 The development hereby permitted shall not be brought 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, signing, lighting, drainage and other related works) 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:

- Reconstruction of tarmac footpath including full height kerbs, edging kerbs to rear of footpath adjacent to Redness Street up to tactile crossing at James Street. Heavy duty vehicular crossing serving as access to the development.

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

22 Details of all means of enclosure to the site boundaries 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 The building shall not be occupied until the cycle parking area including 32no. Sheffield type stands has been provided within the site in accordance with drawing no. 200 Rev F, and these areas shall not be used for any purpose other than the parking of cycles.

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

24 The building shall not be occupied until the bin store has been provided within the site in accordance with drawing no. 200 Rev F and the further approved details required under condition 4. The store shall thereafter be retained and shall not be used for any purpose other than the storage of waste and recycling.

Reason: In the interests of the amenities of occupiers of the development and the environmental qualities of the area.

## **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:

Requested revised details to address design, amenity, drainage and highway considerations.

#### **2. DRAINAGE WORK – ADVANCE NOTICE**

The applicant is advised that The Flood Risk Management Team require two weeks notice prior to drainage work starting in order to oversee the installation of the flow control device and associated attenuation measures.

#### **3. WORKS WITHIN THE HIGHWAY**

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:

Special Permission Contact Streetworks (unless covered by Section 62)  
Section 62 Contact Tom Forrest

#### **4. 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 manufacturer's 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:**

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