

COMMITTEE REPORT

Date: 6 September 2018 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 17/02991/FULM
Application at: Simons Auto Services 17 Mansfield Street York YO31 7US
For: Erection of five-storey residential block with 10no. flats and associated parking following demolition of car repair garage
By: Mr Mark Allen
Application Type: Major Full Application (13 weeks)
Target Date: 1 August 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site accommodates single storey garages formerly used for car repairs. A carpet/bed warehouse building is to the South West situated on the corner of Foss Islands Road and Layerthorpe and its car park is behind. There is a gym to the north east of the site. This application is for residential development of the site. A 4-storey block is proposed. The ground floor would be used for car and cycle parking.

1.2 This former industrial area of Layerthorpe is currently undergoing regeneration. The following schemes have all recently been considered or developed and the site on the corner of Layerthorpe and James Street / Hallfield Road is allocated for housing in the 2018 Draft Local Plan (site H55)

- A gym next door to the application site - approved under application 11/00433/FUL.
- 11 Mansfield Street - 4 storey block of student apartments - approved at committee March 2018 - application 17/02702/FULM.
- Quckslide Windows site on Hallfield Road - 5 storey apartment block determined at planning committee August 2018 - application - 17/03027/FULM.
- Brickworks student accommodation on James Street / Hallfield Road - 4 storey development approved under application 13/03522/FULM.

1.3 The application site is within the city centre as defined in the 2018 Draft Local Plan. It is also in Flood Zone 3 - an area of high flood risk and in the City Centre Area of Archaeological Importance.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area
Contaminated Land GMS Constraints
Floodzone 3 GMS Constraints: Floodzone 3

Relevant Policies of the 2018 Publication Draft Local Plan:

EC2	Loss of employment Land
H1	Housing Allocations
H2	Density of Residential Development
D1	Placemaking
D6	Archaeology
ENV1	Air Quality
ENV3	Land Contamination
ENV4	Flood Risk
ENV5	Sustainable Drainage
T1	Sustainable Access
CC2	Sustainable Design and Construction of New Development

Relevant Policies of the 2005 Local Plan:

GP1	Design
GP3	Planning Against Crime
GP4a	Sustainability
GP6	Contaminated Land
HE10	Archaeology
H4a	Housing Windfalls
E3b	Existing and Proposed Employment Sites

3.0 CONSULTATIONS

INTERNAL

Design and Conservation and Sustainable Development

Archaeology

3.1 The proposed development site appears to lie partly across the site of the medieval church of St Mary Layerthorpe. The church is first mentioned in 1331 when it was annexed to St. Martin's, Coney Street. The precise location of St Mary Layerthorpe is not known. However, it is possible that development on this site will disturb part of the church and/or its associated graveyard.

3.2 Observations of test pits in 1986 ahead of the construction of Allied Carpets adjacent to this site revealed fragments of burials. The site had previously been disturbed but still contained remnants of the graveyard burials. The construction of

the buildings on this site in the late 19th century and then the extant single storey garages will have had some impact on any archaeological deposits particularly the creation of the garage inspection pit. However, the majority of the site has the potential to contain intact archaeological deposits and features.

3.3 As the proposed development will have a potentially serious impact on a significant heritage asset, the applicant must (a) carry out an archaeological evaluation of the site to determine the presence or absence of archaeological features and deposits, and in particular evidence for the church and churchyard of St Mary Layerthorpe (b) submit a report on the evaluation and (c) submit an assessment of the impact of the development on archaeological deposits on the site with a set of measures which will mitigate the impact of the development on any archaeological features and deposits identified.

Education

3.4 No contribution sought as fewer than ten 2 bed sized dwellings are proposed (National Planning Guidance is that contributions should not be sought from developments of 10-units or less).

Flood Risk Management

3.5 Technically the development can be made safe by design floor levels. With regards to dry access and egress the applicant has agreed this is not available in the extreme events but has provided information with regards to an emergency evacuation plan and route in the undefended scenario but has not ranked the level of danger when applying DEFRA R&D Technical Report FD2320/TR2 guidance/tool/calculation. Compared with 11 Mansfield Street this is for private housing and not student/hotel accommodation therefore an emergency evacuation plan will not be as robust and would rely on its individual property owners and not central management company and therefore harder to achieve. The wording in the NPPF states; 'NPPF advises us that in producing an FRA safe access and escape routes are included where appropriate, as part of an agreed emergency plan'. The Emergency Planning Team would be the best suited to agree this emergency plan, which could be sought by way of Condition.

3.6 With regards to foul and surface water disposal officers agree with the response from Yorkshire Water and would like to see their recommended conditions applied.

Highway Network Management

3.7 Officers seek that the entrance gates to the car park to be electronically controlled to avoid drivers blocking the road whilst waiting to enter the site.

3.8 Amendments were requested to the layout so there would be adequate cycle parking and space to manoeuvre cars.

3.9 Officers sought for the balconies to be removed from the Mansfield Street given risk of vehicle collision.

Public Protection

3.10 Officer advice is as follows –

- Land Contamination - Due to the former use a site investigation followed by preparation of remediation scheme is required. This can be secured through condition.
- Noise - officers require a condition to ensure adequate internal noise levels are achieved.
- Construction Management - a CEMP would be expected due to the size of development proposed and for construction to adhere to typical working hours.
- Air Quality - officers recommend an electric vehicle charging facility be provided.

EXTERNAL

Environment Agency

3.11 No objections, provided the development be carried out in accordance with the submitted FRA. Officers add that in all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as they do not carry out these roles during a flood. The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

Foss IDB

3.12 There are no Board maintained watercourses in the vicinity; as such it is not considered that the proposal will have a material effect on the Board's operations and therefore the Board has no comment to make.

Police - Designing out Crime Officer

3.13 Consideration needs to be given to issues around access control and the provision of secure cycle storage. Advised that based on local statistics and

considering the type of development proposed the most significant crime issues that could affect this development are criminal damage, burglary and theft of cycles. Modus Operandi for these types of crime committed in the area includes:

- Offenders enter apartment complex via insecure and broken electronic gate and then cause damage to communal hallway and lift
- Theft of cycles from communal cycle stores

Yorkshire Water

3.14 Discharge of surface water to public sewer is proposed. However, sustainable development requires appropriate surface water disposal and Yorkshire Water promotes the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. Only as a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer.

3.15 Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will also be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

PUBLICITY

3.16 No public representations have been made.

4.0 APPRAISAL

4.1 KEY ISSUES

- Flood Risk
- Principle of the proposed use
- Visual Impact
- Archaeology
- Land Contamination
- Amenity
- Sustainability

POLICY CONTEXT

4.2 The 2018 Draft Plan was submitted for examination on 25 May 2018. The 2018 Draft Plan policies can be afforded weight at this stage of preparation in accordance with paragraph 48 of the NPPF according to their degree of consistency with the NPPF (the closer the policies to the NPPF, the greater the weight that may be given), and extent of objections received as part of the plan consultation. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

FLOOD RISK

4.3 The site is in flood zone 3 and the proposed residential use is classed as being 'more vulnerable'. As such NPPG guidance advises that the sequential and exception tests need to be applied.

Sequential Test

4.4 As required by the NPPG the applicants have provided a sequential test which looks at allocated housing sites in the Local Plan with a comparable anticipated yield of dwellings. There are 3 such allocated sites. The allocated sites are at least 0.2ha in size; the application site is some 0.02ha and it is in the applicant's ownership.

4.5 NPPG guidance states that the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.

4.6 It goes on to state that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.

4.7 The applicant's sequential test reasonably concludes it would not be viable for the applicant to acquire and develop one of the allocated sites, which are significantly larger than the site in the applicant's ownership. This part of Layerthorpe is in the city centre based on the 2018 Local Plan proposals map. As such regeneration of the area is desirable and the city has demonstrable housing need. Overall officers are satisfied that the sequential test is passed.

Exception Test

4.8 There are 2 parts to the Exception Test -

- Requirement to show that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk
- Demonstrate that development will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

i Wider sustainability benefits

4.9 The application site is brownfield and within part of the Layerthorpe area which previously accommodated industrial uses. The area is undergoing regeneration and there have been multiple schemes recently for dwellings/student accommodation between Foss Islands Road and the James Street Link Road. In the 2018 Local Plan the city centre boundary has been extended to include this area.

4.10 The NPPG guidance advises that if a site is in an area requiring regeneration or re-development it is very likely that it will provide the wider sustainability benefits to pass the first part of the Exception Test. This is deemed to be the case in this part of Layerthorpe.

ii Flood risk

4.11 The development has a floodable void at ground floor level which accommodates parking and refuse storage. The dwellings are on the upper floor and will be safe from flooding.

4.12 The NPPF in paragraph 163 states safe access and escape routes are included where appropriate, as part of an agreed emergency plan. At Mansfield Street the only means of access/egress is via Foss Islands Road (which is adjacent the river). As such an emergency plan will be required to ensure there is adequate warning to allow residents to evacuate the building. The procedure has been detailed in the revised FRA and will be secured through planning condition.

4.13 The development will not increase flood risk elsewhere. This is because there will be no loss of floodwater storage on site and surface water run-off rates will be reduced, compared to the existing rates.

4.14 The proposals pass the exception test.

PRINCIPLE OF THE PROPOSED USE

4.15 NPPF paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

4.16 The proposed development makes more efficient use of the site, as advocated in section 11 of the NPPF – Making effective use of land. In particular paragraph 118 which states that planning decisions should “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs” and “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”.

4.17 The background text to Local Plan policy H1 Housing allocations states that in meeting housing need housing delivery is reliant upon 169 dwellings per annum for windfalls

4.18 Local Plan policy EC2 seeks to avoid the loss of employment land and requires that in such cases developers are required to show -

- the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and
- the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period.

4.19 The car repair garage no longer trades, the former occupants have relocated to larger premises. It has not though been demonstrated that this site is unviable for alternative business uses.

4.20 Re-use of the site for dwellings is consistent with other similar regeneration schemes in this part of Layerthorpe and makes effective use of the site. In considering both national and local policies to deliver housing and the local plan policy to retain employment land overall, no objection is raised to residential redevelopment of the site, in particular given the NPPF requirement to give substantial weight to the value of using suitable brownfield land within settlements for homes.

VISUAL IMPACT

4.21 NPPF Paragraph 127 states decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.22 The building has been designed bearing in mind flood risk which means that the ground floor area provides access and ancillary storage space. This provides limited activity at ground level and animation of the street, but is a functional necessity and is not out of character with the appearance of Mansfield Street.

4.23 The building envelope would be of brick with reveals accommodating recessed brick and a glazing system which would be in keeping with the vernacular used at other recent housing schemes in Layerthorpe. The building's maximum height would be about level with the gym next door, and around 1 m lower than the student scheme permitted at 11 Mansfield Street (under application 17/02702/FULM). The scheme is of acceptable design; in character with the emerging appearance of the area.

4.24 Car and cycle parking would be within the building and consequently secure. The bin storage in a discreet location at the rear.

ARCHAEOLOGY

4.25 The site is in the City Centre Area of Archaeological Importance. The approach to dealing with archaeology is detailed in Local Plan policy D6.

4.26 The background text to policy D6 states that within the historic core, substantial harm is defined as greater than 5% disturbance to buried archaeological deposits through foundation design. Where harm to archaeological features and deposits is

unavoidable, development proposals will be expected to provide detail on appropriate mitigation measures. Where mitigation measures include physical excavation of deposits, provision must include adequate resources for excavation, analysis, publication, and archive deposition with the Yorkshire Museum.

4.27 NPPF paragraph 187 states that Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:

- a) assess the significance of heritage assets and the contribution they make to their environment; and
- b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

4.28 Paragraph 199 goes on to state that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

4.29 Officers have recommended a condition to deal with archaeology which will require a methodology of investigation to be approved prior to groundworks. Excavation may be required, and if so would be undertaken in accordance with local policy. This is a similar approach to the conditions imposed at 11 Mansfield Street.

LAND CONTAMINATION

4.30 To ensure that the site is fit for the proposed use, in accordance with paragraph 178 of the NPPF and Local Plan policy ENV3 conditions are proposed to require suitable remediation of the site.

AMENITY

4.31 This would be the second residential development in Mansfield Street. There is also a children's day centre, gym and retail unit nearby and the development would be compatible with and would not affect the amenities of these surrounding businesses. There would be adequate amenity for future residents, considering outlook and as a condition is proposed to require suitable internal noise levels. It is not considered that a CEMP condition is required in this case given the scale of the development proposed and its surroundings.

SUSTAINABILITY

4.32 The site is 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. Electric car recharging facilities will be secured through condition.

4.33 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 scheme will be designed so to provide an energy efficient building, considering insulation and natural light, therefore with low energy demand.

5.0 CONCLUSION

5.1 An acceptable site specific flood risk assessment has been prepared for the development and the proposed use is acceptable in principle given the NPPF requirement to give substantial weight to the value of using suitable brownfield land within settlements for homes. The scheme is of a scale and design that relates to its setting, there would be adequate levels of amenity for future residents and no impact in this respect on the neighbouring land uses. The use of planning conditions can ensure policy compliance with regards residential amenity, visual amenity and flood risk.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 Time

The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 Plans

The development hereby permitted shall be carried out in accordance with the following plans and documents:-

Location Plan
A242/098

Floor Plans

A242/120 Rev C

A242/121 Rev D

A242/122 Rev C

A242/123 Rev B

Elevations

A242/125 Rev B

A242/126 Rev B

A242/127 Rev B

A242/128 Rev B

Flood Risk Assessment

Surface flood risk assessment dated June 2018

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

3 Land Contamination site investigation

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.

4 Land contamination remediation scheme

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.

5 Verification of Remedial Works

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.

6 Reporting of Unexpected Contamination

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.

7 Archaeological Evaluation

Prior to groundworks associated with the development hereby approved the following archaeological evaluation shall be carried out and approved in writing by the Local Planning Authority.

A) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI shall conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

Excavation

If, following archaeological evaluation an excavation is required the following stages of work will need to be completed. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in

accordance with the agreed WSI. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ, in accordance with Section 16 of NPPF.

8 Drainage

No construction shall take place until the following details of the proposed means of disposal of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Details to include -

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection;
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

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.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

9 Required internal noise levels

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Item No:

No construction 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. The development shall be carried out in accordance with the approved details

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 people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

10 Materials

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 development. 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.

A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of the character and appearance of the area.

11 Large scale details

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 construction and the works shall be carried out in accordance with the approved details.

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- a) Entrance and steel access gate shown in context
- b) Typical sections to show the relationship between the external brickwork and recessed brickwork, windows and balconies
- c) Balconies at rear
- d) Parapet

Reason: In the interests of the character and appearance of the area.

12 Electric vehicle charging facilities

Prior to first use of the development a strategy for installation of electric vehicle charging facilities shall be submitted to and approved by the Local Planning Authority and the facilities installed in accordance with the approved details.

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy and Air Quality Action Plan.

INFORMATIVE:

The installation of the maximum amount of electric vehicle charging points is recommended. Charge points should be weatherproof, outdoor recharging units for electric vehicles with the capacity to charge at up to 7kw (32A). Groundworks and cabling should be sufficient to upgrade that unit and to provide for an additional recharging unit of the same specification in a nearby location. 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)."

13 Flood Risk Management

The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment dated June 2018, in particular the following -

- No dwellings at ground floor level (finished floor levels to dwellings at 13.1 AOD)
- Provision of slatted metal gate to car parking area to prevent loss of floodwater storage

Prior to first occupation of the development an Evacuation Plan, following the draft plan in the approved FRA, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan thereafter.

Reason: To ensure the development is safe from flood risk and that there would be no increase in flood risk elsewhere, in accordance with NPPF section 14 Meeting the challenge of climate change, flooding and coastal change.

14 Cycle storage

The Sheffield type stands shown on the ground floor plan shall be installed prior to first use and the approved cycle parking, or equivalent, shall be provided for residents use for the lifetime of the development.

Reason: In the interests of promoting sustainable travel as required under section 9 of the NPPF.

7.0 INFORMATIVES:

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 in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans and further information to make the scheme acceptable in respect of design and flood risk and through the use of planning conditions.

2. Control of Pollution Act

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b)The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

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