

COMMITTEE REPORT

Date: 16 January 2020 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 19/01467/FULM
Application at: Proposed student accommodation site Eboracum Way York YO31 7RE
For: Erection of 5 storey apartment building with basement comprising 62 residential units (Use Class C3), associated car parking and landscaping works.
By: Tiger Developments Limited
Application Type: Major Full Application (13 weeks)
Target Date: 31 January 2020
Recommendation: Approve subject to Section 106

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to a vacant site by the junction of Layerthorpe and the new link road; Eboracum Way. The site is classed as brownfield/previously developed and is in the urban area. In the Publication Draft Local Plan 2018 it is within the defined city centre and has no specific allocation.

1.2 There are a variety of buildings, in terms of their type and use in the surrounding area. To the north is 2-storey housing fronting Layerthorpe. To the east, on the opposite side of Layerthorpe is a 4 storey residential development and single storey industrial commercial uses. To the south, on the opposite side of Eboracum Way is a 2-storey building with retail at ground floor, residential above and a 5-storey hotel building. To the west, along Eboracum Way are commercial and residential developments of similar height to the hotel and the former gasworks site. The former gasworks site is subject to a current planning application for residential development ranging in height from 4 to 7 storey.

PROPOSALS

1.3 The application is for residential development, ranging in height between 3 and 5 storey. The building steps down to 3 storey where adjacent to the semi-detached housing along Layerthorpe and has car parking and ancillary storage at lower ground floor level. Vehicle access would be from Eboracum Way; the access point is already in-situ, being designed as part of the new link road. Roof-top plant is proposed as the low/zero carbon technology proposed for the building is air-sourced heat pumps.

1.4 The development would provide the following accommodation mix -

1-bed - 37

2-bed - 21

3-bed - 4

Affordable 12 (20%)

Total 62

Car parking 28 spaces

1.5 This is a revised scheme since the original submission; the scale of development and the number of dwellings has been reduced and the amount of car parking increased.

2.0 POLICY CONTEXT

2.1 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

2.2 Key relevant policies of the plan are as follows -

H2 Density of Residential Development

H3 Balancing the Housing Market

H10 Affordable Housing

GI6 New open space provision

D1 Place-making

D2 Landscape and Setting

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

ENV4 Flood Risk

DM1 Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

Archaeology

3.1 Due to the history of the site and anticipated ground conditions no conditions regarding archaeology will be required.

Design & Conservation

3.2 Officers asked for a reduction in scale of the building originally proposed. They are content with the revised scheme (now the building is predominantly 4-storey and the development would be less dominant over 119/121 Layerthorpe) and have suggested conditions to agree materials and architectural details.

Education

3.3 Demand arising from the scheme based on current multipliers and yield ratios are set out below. The primary spaces will be required to accommodate demand as a consequence of development of this site and the gasworks next door.

- Primary
Tang Hall Primary – 3 places x £18237 = £54,711
(Reconfiguration to provide additional teaching space)
- Secondary
Archbishop Holgate – 1 place = £24987
(Expansion works (part of a large expansion project for needs arising from new developments and local growth))
- Early years
No contribution required for this relatively small yield in this particular area.

Highway Network Management

3.4 With regards the original scheme officers raised issue with the low amount of car parking spaces proposed and the proposed installation of a lay-by for servicing.

3.5 The concerns were that inadequate car parking would result in residents trying to park elsewhere, on local streets, where the capacity is insufficient and parking pressure already significant. It was asked that the lay-by for servicing be omitted. Servicing should take place within the site; there is space for it to be accommodated and this would provide a safer environment for cyclists.

3.6 In the revised scheme the car parking provision has been increased (45%) and the lay-by omitted; with access for servicing and turning on-site.

Housing

3.7 The Housing Policy and Strategy Team supports the application. The affordable housing proposed as part of this application demonstrates a site specific approach taken by the applicant and is expected to provide good quality homes to local households in housing need. The proposed dwellings will have a ramped access, therefore be accessible, meet nationally described space standards and have proportionate car and cycle parking.

3.8 20% affordable housing is proposed. Usually this is split into 80% social rented and 20% discount sale tenures. For this application this has been applied with minor adjustment to enable the full affordable housing requirement to be delivered on-site, as detailed below.

12 dwellings for affordable rent - 4 intermediate / 8 social

1-bed x 8

2-bed x 3

3-bed x 1

3.9 Taking into account the scheme layout as a single block of apartments, it is not possible to transfer a freehold to a Registered Provider for discount sale. To minimise service charges and enable Registered Providers to manage communal areas themselves, it is instead proposed to allocate the ground floor apartments as affordable housing. This gives Registered Providers the best opportunity to provide the affordable homes on site, if this is not achieved, then other tenure options to achieve affordable apartments and / or an affordable housing contribution would be made in the form of an off-site commuted sum paid by the developer.

Public Protection

3.10 Recommend conditions to cover construction management, remediation, to ensure suitable internal noise levels and for provision of electric vehicle charging facilities.

3.11 With regards electric vehicles the provision of 2 spaces on site is required with provision/infrastructure made to secure 2 further spaces in future, subject to demand. The spaces will need to be exclusively for the use of electric vehicles.

EXTERNAL

Environment Agency

3.12 No objection. Ask for the Environment Agencies standing advice to be applied on flood risk given that part of the site is within Flood Zone 2.

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3.13 Object due to the scale of the proposed building and its form. The proposed building is in a prominent position on a corner and in its present form is dominant and overbearing. It should be a maximum of four storeys. The form of the building is boxlike. The outside space is small but the panel commend the inclusion of trees.

Historic England

3.14 No objection in principle. Asked for analysis that demonstrates that the building will not impinge on views of the Minster from East Parade. This is a key view as identified in the Central Historic Core Conservation Area Appraisal (as shown on pages 69 and 76). This issue has been addressed; the building would be outside of the view corridor.

Yorkshire Water

3.15 Company records indicate a newly laid 160mm water main runs through the red line site boundary. No obstruction must encroach within 3 metres on either side of the main i.e. a protected strip width of 6 metres. Alternatively it may be possible to divert the water main; this would need to be undertaken at the expense of the developer.

4.0 REPRESENTATIONS

4.1 Two objections have been received (from residents of houses to the north). The grounds for objection are -

Impact on residential amenity

- Loss of light, overlooking and over-dominant over houses to north.
- Type of dwellings proposed (apartments with very limited outside amenity space) unsuitable.

Design

- Unsuitable scale next door to 2-storey houses.
- Loss of views of the Minster from neighbouring houses.

Car parking

- Inadequate car parking will mean neighbours may be unable to park outside their homes.

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues are as follows -

- Principle of the proposed use
- The amount of proposed development and housing size / type
- Design
- Residential amenity
- Highways
- Sustainable design and construction
- Flood Risk
- Drainage
- Archaeology
- Public Protection
- Planning obligations (education and open space)

PRINCIPLE OF THE PROPOSED USE

5.2 The NPPF is, in principle, supportive of the proposed residential development, because the site is within the urban area, vacant and is classed as 'brownfield land'. In particular NPPF paragraph 118 states planning decisions should "give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land".

THE AMOUNT OF PROPOSED DEVELOPMENT AND HOUSING SIZE / TYPE

5.3 Paragraph 118 sits within section 11 of the NPPF which relates to making effective use of land. This section also has policy on achieving appropriate densities. In this respect it advises as follows -

"Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services - both existing and proposed ... and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places".

5.4 In addition, NPPF paragraph 123 seeks to optimise the use of land to help meet identified need for housing.

5.5 The 2018 DLP policy H2 establishes target densities of 100 units per hectare in the city centre and 50 in the urban area, although subject to the caveats that these can be adjusted to relate to local context and character and that higher densities can be supported within 400m of high frequency public transport corridors.

5.6 Policy H3 of the 2018 DLP states proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people. The Local Plan policies are city wide and it is expected that housing density, type and mix will differ from site to site.

5.7 The site is some 0.23ha and 62 dwellings are proposed. This would be a density of approx. 270 dwellings per hectare. In terms of mix 60% of the dwellings would be 1-bed.

5.8 At this site the high density and accommodation mix is accepted on the following grounds –

- viewed in the context of the other developments along Eboracum Way, the scheme would respect the area's prevailing character;
- the site is in a sustainable location;
- the scheme would include 20% affordable housing;
- it is anticipated the apartments proposed would help meet identified need as explained in policy H3, by providing dwellings for those accessing the housing market for the first time.

5.9 Affordable housing policy is for 20% on brownfield sites, with a target split of 80% rented (80% social/affordable & 20% intermediate) and 20% for sale as set out in policy H10. 20% affordable is proposed although this would all be for rent and grouped at ground floor level. This proposal has been arrived at as a consequence of discussions with registered affordable housing providers and is the preferred option in terms of deliverability due to service charges.

DESIGN

5.10 NPPF paragraph 127 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and landscaping;
- c) are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place;
- 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
- 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.

5.11 The scheme responds to the urban grain and constraints of the site. It would be setback from Layerthorpe to respect the building line to the north, and allows for landscaping between the building and the street; the massing is varied to respect neighbouring housing and the larger scale of existing (and proposed) developments along Eboracum Way. Where the rear elevation looks toward neighbouring gardens the apartment layout and design have been considered to reasonably minimise overlooking and the dominance of the building.

5.12 The building will be predominantly of red brick to relate to the prevalent material for buildings in the locality. The horizontal emphasis within the building allows for the variation in building heights to not look forced. The perceived bulk of the building will be reduced by the cranked building line, the glazed/recessed staircase on the (longer) Eboracum Way elevation which would sub-divide the brickwork, and the considerable setting back of the top floor.

5.13 The scheme makes efficient use of the site, being viable to the extent it can provide 20% affordable housing without being over-development. Whilst it would be of larger scale than the neighbouring 2-storey housing, the site is in an area which is undergoing regeneration and change, typically with blocks of buildings that exceed 4-storey in height.

5.14 Amenity and the prevention of crime and disorder are covered in the following section.

RESIDENTIAL AMENITY

5.15 The NPPF states that developments should 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.

Impact on daylight and sunlight

5.16 A daylight / sunlight assessment has been submitted which identifies an impact on sunlight to the ground floor level of the apartments opposite and to 1/3 of the kitchen window (rear elevation) at 119 Layerthorpe. There is no adverse effect in terms of levels of daylight. The impact is deemed to be acceptable as the affected elevations are north-west facing and consequently already receive limited direct

sunlight.

Overlooking

5.17 The revised plans address overlooking by making the following changes –

- Windows omitted from upper floors on side elevation which faces north east, towards 119 and 121 Layerthorpe.
- On the rear elevation (north east) living room windows have been angled so they face away from rear gardens. Bedroom windows are around 24 m away from the neighbouring plot and this is considered reasonable to respect privacy.
- Any external amenity spaces stop short of the building edge to prevent any perceived overlooking.

Whether the building would be over-dominant / over-bearing

5.18 The 4-storey section of the building would be around 24 m from the rear garden to the north east (119 Layerthorpe) and 26 m from the apartments on the corner of Layerthorpe and Hallfield Road (these apartments are closer to the footpath compared to the proposed building). The windows on the proposed building's rear elevation have been angled to focus outlook from living rooms away from residential gardens. As such and as this building is of a comparable massing to the apartments opposite and recent development along Eboracum Way it is considered that this building would be in character with the area and not over-dominant.

Amenity for users of the proposed building

5.19 The layout comprises a central corridor with apartments on each side. All rooms will have adequate outlook and daylight. A condition regarding secure by design measures can be applied to control access points into the building and ensure that cycle parking in the basement will be secure.

HIGHWAYS

5.20 The NPPF states that in assessing applications for development, it should be ensured that:

- Includes appropriate opportunities to promote sustainable transport.
- Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.21 The NFFPF also states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the

residual cumulative impacts on the road network would be severe. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.

Sustainable travel

5.22 A draft travel plan which targets an estimated modal split of approx. 30% of trips by private car has been submitted. This is an appropriate target and works with the car parking provision which is at approx. 45%. These levels are reasonable, considering national policy on promoting sustainable travel and car parking standards (the latter requiring account of the accessibility of the site, the type of dwellings proposed, public transport availability and local car ownership levels).

5.23 Securing the travel plan and realising its targets will be subject to a planning condition. This will secure monitoring and the implementation of schemes to encourage sustainable travel.

5.24 Cycle parking facilities will be within the basement. The plans show 66 spaces, 52 of these use Sheffield type stands – the council’s preferred option. A condition will be applied to ensure this area is secure and to agree precise detail of cycle parking – to include Sheffield type stands.

5.25 Electric vehicle charging facilities will be provided in accordance with Public Protection’s current standards. The provision/trigger for the installation of extra spaces can be accommodated in the Travel Plan. Car club will be encouraged as future residents will be offered incentives to join.

Impact on the network / access / servicing

5.26 The vehicle access into the site was inserted at the time of the construction of the road (because development of this site was anticipated and this final section of Eboracum Way was delivered by the applicants who were also responsible for the

Travelodge opposite). Officers are content with the access and that it can facilitate servicing associated with the development. The amount of traffic anticipated with this development is not anticipated as having a material impact on the capacity of the road network.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.27 A planning condition will require the buildings to be compliant with DLP policies CC1 and CC2 which require exceedance of Building Regulations with regards to energy efficiency and carbon emissions (through the use of low/zero carbon technology or building efficiency). Building Regulations require that the Dwelling Emission Rate (DER) does not exceed the Target Emission Rate (TER). Local policy requires a 28% reduction.

5.28 The application is supported with a strategy as to how local requirements would be met, these demonstrate building efficiency which would exceed Building Regulations and air-sourced heat pumps are proposed as a source of low/zero carbon energy.

FLOOD RISK

5.29 Flood Zone 2 briefly encroaches onto the site at the north end (outside of the proposed building footprint) and for a small area on the west side. The fundamental of flood risk policy in the NPPF is to ensure developments are safe from flood risk and do not increase flood risk elsewhere. A sequential test should be passed for residential development in areas at risk of flooding.

5.30 The sequential test is considered passed as the proposed building would be almost entirely outside of Flood Zone 2.

5.31 The proposed development will be safe from flood risk. The levels of accommodation are at lowest 13m AOD which is over 2m above the 1 in 100 year (plus climate change) level of 10.98 AOD. There would be safe access and egress during such flood events from Layerthorpe.

5.32 There would be no increased flood risk elsewhere as there would be no loss of flood water storage space and a condition will require no increase in surface water run-off.

DRAINAGE

5.33 The drainage strategy for the site is in accordance with the NPPF and national guidance, which promote sustainable drainage systems (SUDS). Surface water run-off will be reduced by 30% (compared to the existing rate) and there will be separate surface and foul water connections. The required run-off rate will be achieved using storage tanks underground. The site could not drain directly into a

watercourse and soakaways are unsuitable due to ground contamination.

ARCHAEOLOGY

5.34 Two gasholders were previously accommodated on this site and the land where the Travelodge is now located. Due to the previous groundworks no conditions are proposed in respect of archaeology.

PUBLIC PROTECTION

Land contamination

5.35 An extent of site remediation was undertaken when the hotel was constructed on the opposite side of Eboracum Way. However due to the proposed end use, the time that has passed since previous remediation and potential impact from off-site sources there will be further investigation and if necessary preparation / implementation of a remediation strategy that will be secured through condition.

Noise

5.36 A noise assessment has been undertaken which provides a glazing specification that will ensure internal noise levels are compliant with British Standards / World Health Organisation recommendations. The specification will be required through condition.

Construction management

5.37 Due to the proximity of neighbouring dwellings a CEMP can be secured through condition to manage noise and vibration and to keep the highway clean.

Electric vehicle facilities

5.38 NPPF paragraph 110 states developments should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

5.39 In accordance with Public Protection comments the provision of 2 spaces on site, exclusively for EV will be secured through condition. There will be capacity to secure 2 further spaces, subject to demand, in future. The provision/trigger for the installation of the extra spaces can be accommodated in a Travel Plan, which would be secured through condition.

EDUCATION

5.40 NPPF paragraph 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications”.

5.41 Draft local supplementary planning guidance explains how the need for extra education spaces are determined and the relevant planning obligations. At this site it has been determined that primary and secondary spaces are required. Based on this guidance, as updated in 2019, for 25 qualifying dwellings, this equates to 1 secondary space and 3 primary spaces. The schools and projects are detailed in section 3. The contribution would be secured by S106.

OPEN SPACE

5.42 The NPPF advises that planning decision should aim to create healthy and inclusive places. Paragraph 96 states ‘access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate’.

5.43 Policy GI6 (new open space provision) of the Publication Draft Local Plan states ‘all residential development proposals should contribute to the provision of open space for recreation and amenity’... ‘The precise type of on-site provision required will depend on the size and location of the proposal and the existing open space provision in the area. Where there are deficiencies in certain types of open space provision in the area surrounding a proposed development, the Council will seek variations in the component elements to be provided by the developer in order to help to overcome them’. The policy goes on to state that ‘the Council will encourage on-site provision where possible but off-site provision will be considered acceptable in the following circumstances’.

5.44 The site is within the Guildhall Ward and the Heworth Ward is adjacent. Both have a shortfall in all types of open space based on the Open Space and Green Infrastructure Update (September 2017). The 2017 update details existing supply only. There are some allocated sites for open space in the 2018 DLP but no current city wide strategy to provide adequate space (or improve existing sites), either for the existing or envisaged local population.

5.45 The Open Space and Green Infrastructure Update 2017 (referred to in the local policy) requires 40.5 sq m of amenity space for each 1 bed dwelling and 17.8 sq m towards sports. Typically it is not possible to accommodate such on urban sites (there is not the space). Alternatively an off-site contribution can be requested. This must though meet the (CIL) regulations – be necessary to make the development acceptable, reasonable in scale and kind, and directly related to the development. National guidance on the use of planning obligations is also to be mindful of viability and the need to prioritise/incentive development of brownfield land.

5.46 In this case an obligation towards off site facilities has not been requested. This is because no area or local project (for new or to improve existing) has been identified (by officers in sports/open space) where a contribution could be used for facilities that would be reasonable and directly related to the development.

6.0 CONCLUSION

6.1 The NPPF (paragraph 118c) states planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. In this case the presumption in favour of sustainable development applies, as set out in paragraph 11, which states planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

6.2 The scale and type of development proposed would be in character with the immediate area's prevalent character and would have no undue impact on neighbour's amenity. The housing type proposed, including 20% affordable, is broadly in accordance with identified need and the design will be compliant with the sustainable construction targets in the 2019 DLP.

6.3 Technical issues and the promotion of sustainable design and construction and sustainable travel can be secured through condition. A S106 agreement is also necessary to secure the affordable housing and provision of education facilities to meet identified need. Approval is recommended.

7.0 RECOMMENDATION:

That delegated authority be given to the Assistant Director of Planning and Public Protection to APPROVE the application subject to

- i. ii. the conditions set out in this report; and
- ii. completion of a s106 agreement to secure the following obligations –
 - Affordable housing (20% on site)
 - Education
 - £54,711 to be used at Tang Hall Primary (reconfiguration to increase capacity)
 - £24,987 to be used at Archbishop Holgate (extension to increase capacity)
 - Car club – first occupants to be offered £200 towards membership/use

RECOMMENDED CONDITIONS

1 TIME2 Development start within three years

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

Revised drawings received 23.12.2019

Drawings 170097 3DR -

B1 20001K

00 20002M, 01 20003K, 02 20004K, 03 20005K, 04 20006J, 05 20008J

EL 20100H, 2010H

SE 20200H, 20201G

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

- 3 LC1 Land contamination - Site investigation
- 4 LC2 Land contamination - remediation scheme
- 5 LC3 Land contamination - remedial works
- 6 LC4 Land contamination - unexpected contamination
- 7 NOISE7 Restricted hours of construction
- 8 Construction Management

Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The approved plan shall be strictly adhered to throughout the construction period of the development.

The plan shall provide for:

- Wheel washing facilities to prevent mud and detritus getting on to the public highway.
- Measures to control the emission of noise, dust and dirt during construction including appropriate measures;
- A site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment.
- A scheme for recycling/disposing of waste resulting from construction works.
- Measures to control noise during any piling of foundations (if required).
- Point of contact on site for enquiries.
- A complaints procedure. The procedure should detail how a contact number will

be advertised to the public, and procedure once a complaint had been received. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of the locality

9 Separate foul and surface water drainage

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.

10 Surface water drainage

Peak run-off from the site shall be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas for the 1 in 1 year storm).

Storage volumes shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change.

Reason: To avoid increased flood risk, in accordance with NPPF paragraphs 163 and 165 and policy ENV5 - Sustainable Drainage of the Publication Draft Local Plan.

11 Large scale details

Large scale typical details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction and the works shall be carried out in accordance with the approved details.

- Plinth / ground level interface including car park grilles shown set in reveals
 - Windows - typical details of each type shown in context, to include metal window infill panels and balustrading.
 - Projecting balconies (to include soffit)
 - Angled feature bays
 - Roof level including parapet / guarding
 - Plant roof screening (it is expected this is finished in a way that relates to other materials on the building, such as the cladding panels or the exposed staircase)
 - Exposed soffits
 - Any permanently fixed equipment for servicing and maintenance (ladders, guarding etc). Note these will generally not be expected unless already on the
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permitted drawings or are not visibly intrusive.

Reason: In the interests of good design, in accordance with NPPF paragraph 127.

12 Materials

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 construction. The development shall be carried out using the approved materials.

A sample panel of the brickwork to be used on the 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 construction. The panel(s) 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 good design and visual amenity, in accordance with the NPPF, paragraph 127.

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 manufacturers details, when the materials will be available for inspection and where they are located.

13 Sustainable design and construction

The dwellings hereby approved shall achieve the following measures:

- At least a 19% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013).
- A maximum water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).
- A reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to first occupation details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

14 Landscaping

The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme (taking into account the location of drainage attenuation proposed to rear of the building and following the strategy as shown on drawing 19052 CO LP 0 01 rev 1).

The scheme shall illustrate hard and soft materials, include a planting and maintenance schedule for the sedum roof, details of the soffit to the undercroft area and the number, species, height and position of trees and shrubs across the site. It shall also show how the pedestrian access ramp on the Layerthorpe side adequately connects with the public realm.

The hard elements of the approved landscaping scheme shall be implemented prior to occupation; the soft elements within a period of six months of the completion of the development.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

15 Secure by design

Secure by Design elements of the development shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The development shall be carried out in accordance with the approved details.

The details shall include means of access control and CCTV coverage to the main building entrances and basement storage areas, in particular CCTV coverage for the cycle parking area.

Reason: In the interests of good design, in accordance with NPPF paragraph 127.

16 Cycle storage

Details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The development shall be carried out in accordance with the approved details.

The details shall include the number of spaces, the means for securing cycles (Sheffield stands or similar shall be the predominant means of securing cycles as illustrated on the cycle parking strategy drawing 20001), and the setting out of the

spaces (including confirmation of compliance with manufacturer's recommendations).

Reason: To promote sustainable transport in accordance with section 9 of the NPPF.

17 Electric vehicle facilities

Before the occupation of the development, a minimum of 2 parking bays, which shall incorporate facilities for charging electric vehicles shall be provided on site. In addition, a minimum of 2 additional parking bays shall be identified for the future installation of additional Electric Vehicle Charging Points. Such additional bays shall be provided with all necessary cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future. The trigger for installation of additional facilities shall be detailed in the Travel Plan for the development.

Within 3 months of the first occupation of the development, an Electric Vehicle Recharging Point Management Plan shall be submitted to and approved in writing by the Council. The plan will detail the location and specification of the facilities, management, maintenance, servicing and access arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

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

18 Travel Plan

The development shall be operated in accordance with the interim Travel Plan dated June 2019.

Following completion of the first residential travel survey (required once 50% of apartments are occupied) measures to ensure the target residential modal split is met for the lifetime of the Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. These shall include measures for promoting and increasing awareness of electric vehicles and car club. The Travel Plan shall be implemented in accordance with the approved details.

Reason: To promote sustainable travel in accordance with NPPF section 9.

19 Noise levels

The development hereby permitted shall as, a minimum, incorporate the acoustic performance requirements (glazing / ventilation specification) recommended in table 5 of the MZA Acoustics noise assessment (ref 1700283 dated July 2019).

Reason: In the interests of future resident's amenity, in accordance with NPPF paragraphs 127 and 180.

20 Basement Area

The basement area shall be used for ancillary storage only and shall not be converted into apartments/living accommodation.

Reason: To ensure adequate storage space for car parking, cycles and bins, and so future residents are reasonably protected from flood risk, in the interests of good design and residential amenity, and to reduce flood risk, in accordance with NPPF paragraphs 127 and 163.

8.0 INFORMATIVES:

Notes to Applicant

1. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

2. 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 (paragraph 38) 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: advised on the revised plans required on visual and residential amenity grounds and with regards sustainable travel, and through the use of planning conditions and obligations.

Contact details:

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