

COMMITTEE REPORT

Committee: Main

Ward: Guildhall

Date: 11 February 2020

Reference: 19/01467/FULM

Application at: Vacant Site Eboracum Way York

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

Target Date: 31 January 2020

Recommendation: Approve subject to Section 106 Agreement

1.0 INTRODUCTION

1.1 The application was deferred at January planning committee. Officers were asked to provide further information on the following matters -

Construction management

An amendment to the proposed condition was requested to require approval of where contractors would park.

Education

Further justification and clarification was required with regards early years provision.

Open space

Officers were asked to identify projects where planning obligations could be used towards sport and open space. It was requested that ward members were consulted.

2.0 APPRAISAL

2.1 Officers comments on the grounds for deferral are as follows -

Construction management

2.2 As requested condition 8 regarding construction management now requires approval of arrangements for contractor parking and arrangements for delivery vehicles.

Planning Obligations

2.3 For obligations to be sought national policy is that they need to be -

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

Education

2.4 Based upon the accommodation mix and Education Supplementary Planning Guidance (June 2019) the maximum number of places that could be required for this development would be 4 places (a contribution of £36,476).

2.5 No contribution has been requested by officers in education because Early Years do not request contributions from relatively small developments unless already high demand in the vicinity and where expansion projects have been identified. The potential contribution could only part fund a project. Due the amount and consequently given the reasons below a contribution is not sought.

- Fluidity of the mixed-market provision in York and consequently the difficulty in identifying projects.
- Few public sector providers offering full-time/full-day places to support working parents, so financial uncertainties particularly for small operators (as discussed below) -
- No public funding available for revenue shortfalls/cash flow so additional premises costs from expansion are at each operator's own risk
- Difficulty in project delivery given small yields and therefore small/phased expansion projects
- Pressure on capacity in the Early Years team to:
 - manage multiple small procurement processes to transparently allocate funds for full or part-funded expansion at the successful bidder(s) premises
 - verify feasibility of multiple small expansion projects
 - work up enforceable contractual mechanisms to safeguard the investment
 - monitor that the successful operator is honouring their obligations in the short, medium and long-term

Open space

2.6 Based on the demand for open space, as detailed in the 2017 Open Space and Green Infrastructure Update, and the off-site contributions as detailed in the 2014 Supplementary Planning Guidance Document Open Space in New Developments the maximum off site contribution that could be sought for this scheme is as follows -

Sport	£19,383
Children's Play	£15,254
Amenity space	£7,138

Sport

2.7 The open space audit advises that we have a shortfall of outdoor sports space in Guildhall Ward and Heworth Ward which the development closely neighbours.

2.8 The closest voluntary sports club to this development is Heworth Tennis Club. The Tennis Club have two courts and a clubhouse on their East Parade home venue, and have recently taken over the management of the two municipal tennis courts at Glen Gardens. This Section 106 contribution could be used to benefit the residents of the proposed development by enhancing the playing surface of the existing tennis courts, improving disabled access onto the East Parade site and through an electronic entry system to the Glen Gardens site to open the courts back up for public pay and play. There could also be Improvements to Glen Gardens Bowling Green, or Basketball Court.

Children's Play

2.9 Based on local policy play space would need to be provided/improved within 480 m of the site. The local play area is at Glen Gardens. Initially officers did not ask for a contribution because there is already a significant amount of S106 money due that will be used upgrading the facility. Following feedback from local councillors it has been confirmed that the play space at Park Grove school is publically accessible and within the catchment area. A contribution could be used towards enhancements at the school.

Amenity space

2.10 The contribution would be used at Monk Bridge Gardens to deliver improved (and fully accessible) footpaths linking to Arran Place, York Gym Club and the Foss islands cycle route.

3.0 CONCLUSION

3.1 At the January planning committee members requested further information in terms of the provision of open space, early years education and the amended condition to require approval of where contractors and construction vehicles would park during the construction period.

3.2 Officers have identified where off site sports facilities, children's play and amenity space could be enhanced at local sites.

3.3 Relevant councillors have been consulted on the provisions identified – Guildhall Ward Councillors and the Executive Member for Culture, Leisure and Communities. Councillors agreed that Monk Bridge is an area local residents wish to see open space enhanced. With regards children's play the use of s106 money at Park Grove

School and St Nick's fields were suggested. In response to this officers have confirmed that it would be appropriate to enhance publically accessible space at the school. St Nick's however is too far away (over 480 m) to be considered.

3.4 No contribution towards early years is sought. Although there is demand for places in the Guildhall Ward, the contribution involved would be minor, even in terms of resourcing project management and procurement work, for example, required in conjunction with releasing fees to any private developers for early years expansion projects. A contribution would not be regulation compliant; officers could not at this time identify a deliverable project in the locality, with the contribution involved, and as it would not lead to any tangible benefit for the development. As such it would fail the tests of being necessary to make the development acceptable and would not be directly related.

4.0 RECOMMENDATION:

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

- i. 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

Off site sport

£19,383 to be used at Glen Gardens to improve tennis, basketball and bowling green facilities.

Amenity open space

£7,138 to be used at Monk Bridge Gardens to improve accessibility

Children's Play

£15,524 to be used towards publically accessible children's play space at Park Grove School

Recommended conditions:

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out in accordance with the following plans:-

Revised drawings received 23.12.2019

Site plan 170097-3DR-00-DR-10003-F.PDF

Drawings 170097 3DR -

B1 20001K
00 20002M
01 20003K
02 20004K
03 20005K
04 20006J
05 20008J

EL 20100 - I, 2010 - I
SE 20200 - I, 20201 - G

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.
- Arrangements for contractor vehicle parking including details of delivery vehicles and loading / unloading arrangements.
- 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

No construction of the development hereby permitted (excluding groundworks to achieve the approved site levels) 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. The development shall be carried out in accordance with the approved details.

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.

INFORMATIVE

Peak run-off from shall be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

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 above ground works 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 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 above ground works. 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 28% reduction in Dwelling Emission Rate compared to the Target Emission Rate 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).

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 20001K), and the setting out of the spaces (including confirmation of compliance with manufacturer's recommendations in this respect).

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, in the interests of good design and residential amenity, in accordance with NPPF paragraph 127.

21 Use of flat roof areas

At proposed level 3 (as shown on drawing 20004) only the flat roof areas annotated as "terrace" shall be used for outside amenity space. These areas shall be enclosed by railings/balustrades as shown on the approved plans. Any other areas of flat roof on the building shall have access for maintenance only.

Reason: In the interests of residential amenity; to prevent overlooking, in accordance with NPPF paragraph 127.

7.0 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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