

COMMITTEE REPORT

Date: 8 September 2011 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
 Commercial Team Panel

Reference: 11/01627/OUTM
Application at: Kent Street Coach Park Kent Street York
For: Erection of fire station with training tower and associated facilities following demolition of disused toilet block
By: North Yorkshire Fire And Rescue Service
Application Type: Major Outline Application (13 weeks)
Target Date: 23 September 2011
Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to the former Kent Street car and coach park which is located opposite the rear of the Barbican. The application site also includes a former public toilet block and there is a footpath which leads to the end of Escrick Street/Fishergate School car park along the east side of the site. The coach park and the w/c facilities are no longer in use. The footpath is presently closed (locked by the school). The site is within the City Centre Area of Archaeological Importance.

1.2 Surrounding the site there is a multi-level car park to the east which shares a vehicle access with the application site, Barbican Court, a 3-storey residential building to the west, and a single storey warehouse building and 3-storey houses/flats along Escrick Street to the south.

SITE HISTORY

1.3 There have been two unimplemented planning permissions for the site:

- Outline Planning Permission was granted for a community swimming pool in 2004 (03/04082/GRG4), as part of the overall redevelopment of the Barbican site. The associated legal agreement required the developers to make a financial contribution towards the provision of coach parking, and an alternative location in the city was to be provided by the Council. The pool was not developed and instead money was secured to contribute to equivalent leisure facilities in the city.

- Planning permission was granted in 2008 (08/00871/FULM) for a hotel building that would be 4-storey to the front and 2-storey at the south end.

PROPOSAL

1.4 This application is for outline planning permission for a fire station, to replace the facility presently at Clifford Street. The proposed access and scale of the building(s) are detailed in the application. The specific layout, appearance and landscaping of the site and building design would be submitted at a later date as reserved matters application(s).

1.5 The proposed main building would be 2-storey, with a single storey aspect to the east side which would house the fire engines/tenders. The area to the east of the site would continue to provide access to the adjacent car park, and allow fire tenders to enter the fire station and leave site in a forward gear. Car parking would be situated toward the west side of the site and there would be a training yard/facility at the south end of the site, east of the adjacent warehouse building. The training facility would include a drill tower and a single storey building that would be used for storage.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Schools GMS Constraints: Fishergate Primary 0197

Schools GMS Constraints: St. George's RC Primary 0225

2.2 Policies:

CYGP1
Design

CYNE1
Trees, woodlands, hedgerows

CYHE10
Archaeology

CYGP4
Environmental sustainability

CYT4

Cycle parking standards

CYGP6

Contaminated land

3.0 CONSULTATIONS

INTERNAL

3.1 Design Conservation and Sustainable Development Archaeology - No objection. Recommend conditions to deal with archaeological issues as the site lies in the Area of Archaeological Importance and is a site of archaeological interest. The main significance of the archaeology of the site is of Roman date, which is covered by a significant depth of later, less significant, agricultural deposits.

3.2 The applicant is exploring foundation methods that will limit the impact of the development so that it affects the less significant agricultural deposits. This degree of impact can be dealt with through an archaeological watching brief. However, some disturbance to the Roman deposits may be caused through the drill tower foundations, drainage, and sewage and water attenuation storage tanks. It is also possible that a piled foundation system may have to be used and that this will have an impact on the significant Roman deposits. An archaeological excavation will be required where it is likely that the Roman features and deposits will be disturbed or destroyed.

3.3 Drainage Engineers - The following information will be required to assess flood risk to adjacent properties and surface water run-off.:-

- Details of the proposed surfacing and a topographical survey to show the development would not be raised above the level of the adjacent land.

- Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available. In agreement with the Environment Agency / IDB / City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate. The final method for achieving the reduction in surface water run-off needs to be agreed.

3.4 Environmental Protection Unit - Officers have commented on the noise associated with the operations onsite and land contamination. Conditions have been suggested to mitigate the impact of the development.

3.5 In terms of noise generating activities proposed:-

- Routine testing: No objection provided the testing is conditioned to take place indoors with doors and windows shut.

- Training: Sound predictions show noise levels will exceed the current background noise levels at the properties to the south on Escrick Street, with levels being up to 12dB higher than background during the daytime and 16dB higher during the evening. Whilst it is understood there is no amenity area at the rear of the properties (the area is used for parking) officers have concerns that the elevated level could affect amenity inside the dwellings. The predicted noise levels are based upon an average over a one hour period, whereas the noisy aspects of the training last up to 15 minutes. By revising the submitted levels to calculate noise levels for that 15 minute period, results show that facade levels on Escrick Street are as high as 63dB(A) at second floor level where background noise levels are normally 45dB(A), an increase of 18dB. With a rear window open internal noise levels could exceed 48dB(A) for the 15 minute period of training. Officers consider the impact on residents would not be unacceptable, provided the hours of training are restricted.

- Specialised Training: In the evening noise levels would be excessive. Since these events are only anticipated on taking place one a month for a period of 15 minutes officers are content that the noise levels will not cause loss of amenity provided the specialised training is restricted to the hours of 08:00 to 18:00 on Monday to Friday with no more than one training session each month.

3.6 Contamination - The ground investigation report submitted with this application reviews desktop information and site investigation data from 2007. The 2007 investigation revealed elevated levels of lead, benzo(a)pyrene and carbon dioxide gas. Contaminant levels (particularly ground gases) may have changed since 2007, so officers recommend that additional site investigation work is undertaken. Work can be secured as conditions of approval but would need to occur prior to development.

3.7 Highway Network Management - no objection. Kent Street is already subject to no waiting restrictions and these would be supplemented by Keep Clear markings over the frontage forecourt to facilitate emergency call-outs. An existing bus stop will need to be relocated further east along Kent Street as part of the development and the costs are to be borne by the developer. Such matters as signing, refuse storage, footway works and access construction will be discussed and agreed at the Reserved Matters stage.

EXTERNAL

3.8 York Civic Trust - Asks for more information of the appliances and drill tower to assess the impact on the flats in Escrick Street.

3.9 Prior to submission of the application a community engagement event was held at Fishergate Primary School. The comments at the event were as follows:

- Recognition of need for the facility.
- Suggestions that the children of Fishergate School be involved with the archaeology.
- Concern with noise due to fire tenders leaving the site.

3.10 The deadline for comments to the Local Planning Authority was 3.8.2011. The application was publicised by Press and site notices, and neighbour notification letters. No written representations have been made.

4.0 APPRAISAL

4.1 Key Issues:-

- Principle of the proposed development
- Impact on the amenity of surrounding occupants
- Design
- Sustainable construction
- Drainage
- Highway network management
- Archaeology

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.2 Policy T12 of the Local Plan states planning permission will not be granted for development, which would result in the loss of existing off street coach and lorry parking without the provision of suitable alternative sites.

4.3 The site is within the city centre as defined in the Local Plan, but is not allocated for any specific use class. It was last used as a coach park and accommodates a public w/c but these are redundant. Alternative coach parking has been provided at the St Georges Field car park. Overall there is no conflict with planning policy with regards the proposed development in principle.

IMPACT ON THE AMENITY OF SURROUNDING OCCUPANTS

4.4 Policy GP1 of the Local Plan seeks to protect residential amenity through ensuring development has no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.5 National policy regarding noise disturbance is established in PPG24: Planning and Noise. PPG24 recommends acceptable noise levels for residential uses. During the daytime (07:00 to 23:00) reasonable noise levels within living rooms are

between 30 - 40 dB. PPG24 advises it is important that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. Local planning authorities (LPA's) should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations. PPG24 adds that much of the development which is necessary for the construction of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, LPA's must ensure that development does not cause an unacceptable degree of disturbance. The world health organization (WHO) advises that noise above 55dB is likely to cause 'serious annoyance'.

4.6 The proposed use would involve daily testing of equipment and training activities, similar to what presently occurs at Acomb Fire Station. The applicants advise that noise associated with these events would be as follows:

- Equipment testing at the beginning of each shift (at 06:00 and 18:00). The testing can occur indoors and would thus not be audible at the nearest residential properties.

- Basic training. Can be up to an hour in duration and occur 3-5 times a week. Predominantly training occurs in the morning although 20% of sessions occur in the evening shift (no later than 21:30). The training involves use of the water pumps, for no more than 15 minutes. Noise levels during this period would exceed 55dB (although by no more than 2dB) outside the upper floor level of the flats on Escrick Street.

- Specialised training. These activities occur up to 16 times per year. They require a generator to power cutting equipment and fans, which would last for 15 minutes. Noise levels at Escrick Street and at Kent Street (the latter where residential units have been granted planning permission) would exceed 55dB during the 15 minute period. 62dB outside the upper floor level of the flats on Kent Street would be the highest noise level.

4.7 The training which would occur on site would generate noise in excess of the existing ambient noise levels and cause some disturbance. The noise levels given are external. To ascertain the internal level the envelope of a building, which will provide an amount of noise reduction, needs to be considered, in particular in this case as the surrounding residential buildings are flats without private gardens. When windows are open internal noise levels will be around 13dB lower than external levels. Closed windows with single glazing can reduce noise levels by around 28dB.

4.8 If windows were open internal noise levels would exceed 40dB, which PPG24 advises is an unreasonable noise level, at Kent Street and Escrick Street during the training sessions (for the 15 minute periods when specialist equipment is

charged/used). With windows closed internal noise levels would be under 40dB at all sensitive locations.

4.9 In summary the disturbance as a consequence of staff training would only occur for 15 minute periods and on no more than 5 occasions each week. This can be secured through a condition, including controlling the times to within the timeframe of 07:00 to 21:30 for basic training and between 09:00 and 18:00 weekdays for specialist training. On this basis it is deemed the amount of disturbance would not be unacceptable.

4.10 The use of sirens and subsequent disturbance was raised at pre- application stage at the community meeting. To ascertain the impact on the locality, vehicle routes have been estimated using previous call history recording. The majority of turnouts will be in the city centre, or areas of York that are accessed via the city centre. The Fulford (i.e. toward Fishergate) route only provides access to a limited area of York and Selby. York appliances are only required to attend Selby on rare occasions, as Selby has its own Fire Station. The overall anticipated number of turnouts is around 5 calls per day, 4 between 07:00 - 22:00 and 1 between 22:00 - 07:00. The fire service anticipates sirens are unlikely to be used after 22:00 due to the relatively low traffic flows on Kent Street and Fawcett Street. In addition the Road Traffic Act and guidance issued under the Highway Code restricts the use of audible warning devices between the hours of 23:30 and 07:00 except for the most deserving of circumstances, such as preventing an accident. Sirens are used at driver discretion. They do tend to be used at junctions, where they offer greater warning than lights. It is likely the use of sirens will only be necessary when fire tenders reach either Fishergate or the inner ring road, routes which are already used by fire tenders responding to calls from the Clifford Street site.

4.11 In conclusion, the proposed use is the type which PPG24 recognises as essential infrastructure, which can generate a degree of disturbance. However officers consider that noise from sirens on fire tenders would not be materially different from the existing situation, and the impact on surrounding occupants would not be unacceptable.

DESIGN

4.12 Policy GP1 of the Local Plan refers to design, for all types of development. GP1 states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area; provide and protect amenity space; provide space for waste storage

4.13 Apart from the proposed vehicle access points and the footprint and height of the proposed buildings the application is in outline form only; the detailed design of the buildings and landscaping of the site are elements of the overall scheme which would be submitted as reserved matters. It is though a requirement that the outline application includes indicative details of the site layout.

4.14 Two access points are proposed. An access at the east side would be used by fire tenders entering the fire station and vehicles accessing the adjacent Q car park. Fire engines would leave the site directly, so there would be no conflict with traffic using the car park. On the opposite side of the proposed fire station building there would be a second access to the site car park.

4.15 The proposed building would be T-shaped, part single storey on its east side where fire tenders would be stored, 2-storey on the west side of the building. The training yard is shown at the south end of the site. This would include a 13.2m high drill tower and a single storey building to store equipment. The training area would be 24m by 14m in area.

4.16 The plans have been revised so one of the mature trees onsite (to the east of the existing toilet block) will be retained and the front building line has been dragged back slightly, so the building would be at least 3m from the footpath. As such the building line would follow that of the car park building, which although staggered, is consistently setback from the footpath. The main building would be of appropriate massing, the mix of 1 and 2 storey providing a transition between the car park building to the east and Barbican Court to the west (which is 3-storey). The building would be around 18.5m from the elevation of Barbican Court which overlooks the site. As such the proposed building would not be overbearing and would not lead to a loss of light. The drill tower would be located behind the building; it would be no more than 13.2m tall and around 4 sq m. In comparison the ridge level of Barbican Court is 9m. Public views from Kent Street and Fenwick Street would be distant, the tower being around 50m away and partially screened by intervening buildings. The tower would not appear unduly prominent due to its scale/bulk and location and the presence of surrounding buildings.

4.17 It is envisaged bins will be stored behind the proposed building. Details of the location and design of any enclosure, to control appearance, can be secured by condition.

SUSTAINABLE CONSTRUCTION

4.18 It is a requirement of policy GP4a of the Local Plan that a sustainability statement accompanies applications. The proposed development should meet the requirements of the council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. For developments such as this the

documents asks that proposals achieve at least a BREEAM very good rating, and that at least 10% of on-site energy demand is provided by on site renewable sources.

4.19 A BREEAM bespoke assessment would apply to the proposed building. A very good rating can still be achieved and this can be secured as a condition of approval. It is expected that the 10% on-site renewable energy expectation will be achieved through adding panels to the roof of the building. The requirement can be secured through a condition.

DRAINAGE

4.20 Policy GP15a asks that development does not increase flood risk elsewhere. This can be achieved by not increasing surface water run-off, which is a requirement of York's Strategic Flood Risk Assessment, which goes further than GP15a and asks that developments reduce flood risk. The site is not in an area where the risk of flooding is high.

4.21 Flood risk can be reduced through controlling surface water run-off. A reduction in surface water run-off (70% of the existing rate is desirable) can be achieved by installation of an underground storage tank. The design/location of the storage tank would need to be agreed due to the presence of archaeological remains over 1.5m below the surface. However this is achievable and a suitable condition can secure preservation of archaeology. Sustainable drainage can also be incorporated through additional soft landscaping (to the front of the main building and where it is proposed to retain one of the aforementioned trees), and permeable paving can be introduced.

HIGHWAY IMPACT

4.22 T4 - requires cycle parking to be provided in all new developments in accordance with local plan standards. Staff cycle parking is expected to be covered and secure.

4.23 The access and egress arrangements for fire tenders necessitates the relocation of the bus stop on Kent Street. There is alternative space to accommodate the stop elsewhere on Kent Street. The applicants would fund the change. The access would not compromise the access arrangements for the Q car park. Overall the scheme would not have an adverse effect on highway safety.

4.24 The access and egress arrangements for fire tenders negates the relocation of the bus stop on Kent Street. There is alternative space to accommodate the stop elsewhere on Kent Street. The applicants would fund the change. The access would not compromise the access arrangements for the Q car park. Overall the scheme would not have an adverse effect on highway safety.

ARCHAEOLOGY

4.25 Policy HE10 of the Local Plan requires development which involves the disturbance of existing ground levels within the area of archaeological importance to be subject to a field evaluation to assess the extent and importance of any remains and requires applicants to demonstrate that less than 5% of any deposits would be disturbed or destroyed. Also where physical preservation in situ is not possible, provision must be made for a professional excavation and recording of the archaeology in accordance with an agreed scheme.

4.26 A watching brief and scheme of investigation will be secured as a condition of outline consent. Investigations carried out to date show historic remains at and below 11.8 AOD. As such ground works which go further than 1.5m underground will affect archaeological remains. A condition is proposed which requires a method for excavation of disturbed archaeology at and below 11.8 AOD, this would allow the scheme to comply with policy HE10.

5.0 CONCLUSION

5.1 The proposed development would be of acceptable appearance (based on the proposed massing and indicative layout) and the site would operate in accordance with the council's sustainable design and construction targets. The buildings themselves would not harm the amenity of surrounding occupants and it is deemed that noise as a consequence of the nature of the proposed use would not be unacceptable. Through conditions archaeology can be protected and any increase in flood risk avoided. Overall the scheme is deemed to be compliant with policy and it is recommended outline planning permission be granted.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 Application for approval of the reserved matters (appearance, landscaping and layout) shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

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

AL 0 002 F site parameters plan

AL 0 003D site layout

Scott Wilson drawing D128581 SK 01C access arrangement

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

3 The development hereby approved shall achieve at least a BREEAM rating of very good or equivalent.

Prior to occupation of the building hereby approved a formal BREEAM assessment or equivalent, for the Design and Procurement stages for the building shall be submitted to the Local Planning Authority, followed by a BREEAM Post Construction review. All assessments shall confirm the minimum 'Very Good' rating, or equivalent, be agreed to in writing by the Local Planning Authority and the development implemented accordingly.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

4 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide at least 10% of the predicted energy requirements from on-site renewable resources. The development shall be carried out in accordance with the approved details thereafter.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

5 Staff training and equipment testing

The routing (daily) testing of equipment shall take place within the building hereby approved with windows and doors closed.

Training activities

The routing training shall occur in accordance with the acoustic briefing note dated 18.8.2011 (specifically pumps used for no more than 15 minutes in each training session) and shall not occur after 22:00 hours each day of the week.

The specialised training shall occur no more than on one occasion each calendar month and only between the hours of 09:00 and 18:00 Mondays to Fridays. The

Application Reference Number: 11/01627/OUTM Item No: 4m

Page 11 of 17

training activities shall occur in accordance with the acoustic briefing note dated 18.8.2011 (specifically pressure fan, cutting equipment and generator used for no more than 15 minutes in each training session).

Reason: In the interests of the amenity of surrounding occupants, in particular residents of the dwellings on Escrick Street.

6 The trees shown as retained on drawing AL(0)002F (Site parameters plan) shall be protected to British Standard: Trees in relation to Construction (B.S. 5837 2005).

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and finalised construction details for the any walls and paving shall also be included. The development shall be implemented in accordance with the approved statement.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of this area.

7 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. The details shall include the following:

- Existing and proposed ground levels and drainage routes.
- Peak surface water run-off from the development attenuated to 70% of the existing rate, in accordance with a scheme to reduce run-off to be submitted to and agreed in writing by the Local Planning Authority (based on 140 l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for 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 shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Details of run-off rates including calculations of both the existing and proposed rates shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Application Reference Number: 11/01627/OUTM Item No: 4m

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the proper drainage of the site, and to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

8 Archaeological scheme of investigation

No development shall commence until a written Archaeological Scheme of Investigation which will set out (a) areas where an archaeological excavation will take place (b) areas where an archaeological watching brief will take place and (c) a methods statement for the excavation, watching brief, post-excavation analysis, publication and archive deposition, and community access and involvement has been approved in writing by the Local Planning Authority. The scheme will commence in accordance with the approved details thereafter.

Prior to first use of the development hereby approved a publication report on the archaeological project and details of where the report will be published shall be approved in writing by the Local Planning Authority.

Reason: As the site is of archaeological interest and contains significant heritage assets, and as the results of the archaeological project must be published to secure public benefit from the project.

9 No development shall commence until the applicant has (a) submitted a method statement detailing all sub-surface disturbances and which where practical limits the impact of these elements to 11.8mAOD or higher within the redline boundary of the site, and (b) a methodology for the archaeological excavation of deposits which will be disturbed below 11.8mAOD where (a) above is impractical. Such details shall be submitted to and approved in writing by the Local Planning Authority and the works carried out accordingly.

Reason: The site lies within an Area of Archaeological Importance and this development will have an effect on nationally important archaeological deposits which are preserved within the site

10 VISQ8 Samples of exterior materials to be app -

11 VISQ7 Sample panel ext materials to be approv -

12 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted (to include replacement tree planting for the trees to be removed), trees to be retained, all surfacing materials and location/design of the bin store. This scheme shall be implemented within a period of six months of the

Application Reference Number: 11/01627/OUTM Item No: 4m

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 visual amenity and compensate for the loss of trees on the site, in accordance with policies GP1 and NE1 of the Local Plan.

13 Prior to the development commencing details of secure cycle storage/parking facilities (including means of enclosure for staff spaces) shall be approved in writing by the Local Planning Authority. The cycle stores shall be at least 1.8 metres by 1 metre and there shall be at least 12 spaces provided.

The building shall not be brought into use until the cycle parking has been provided in accordance with the approved details, and these areas shall not be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with policies GP1, and T4 of the City of York Draft Local Plan.

14 Details of the items listed below shall be approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

a) All external lighting, to include location, design and lightspill (lux levels) of lighting.

b) All boundary treatment (to be specified as new or retention of existing).

Reason: In the interests of visual and residential amenity

15 Development on Land Affected by Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be approved in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings produced. The written report

Application Reference Number: 11/01627/OUTM Item No: 4m

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

b. Submission of Remediation Scheme

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 approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of

commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by 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.

16 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the contamination condition, and where remediation is necessary a remediation scheme must be prepared and approved in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing of the Local Planning Authority in accordance with the contamination condition.

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.

17 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

- Relocation of existing bus stop on Kent Street

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the development in principle, the impact on the amenity of surrounding occupants, the impact on the appearance of the area, flood risk, highway safety and archaeology.

As such the proposal complies with Policies GP1, GP4, GP6, NE1, HE10, and T4 of the City of York Development Control Local Plan.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323