

COMMITTEE REPORT

Date: 1 December 2016 **Ward:** Rawcliffe And Clifton
Without
Team: Major and **Parish:** Rawcliffe Parish Council
Commercial Team

Reference: 16/01173/FULM
Application at: North Lodge Clifton Park Avenue York
For: Erection 3-storey building forming 14 flats following
demolition of existing buildings (resubmission)
By: Mr Mike Green
Application Type: Major Full Application (13 weeks)
Target Date: 23 January 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is to demolish the existing two storey building and replace with a three storey building creating 14 flats (12 x 2 bed flats and 2 x 1 bed flats).

1.2 The building originally formed part of the old Clifton Hospital, and is thought to be "Greystones" - the clerks building. The building had recently been used as offices. The building is not listed. The site is not within a conservation area. The site is within Flood Zone 1. The path to the south of the building is adopted highway. The site is within the general extent of the greenbelt. The trees to the north east boundary have specific tree preservation orders, and all trees within the area are covered by a group tree preservation order.

1.3 There is a care home to the West of the site; to the South of the site is an office building which has recently gained planning permission for change of use to an outpatients hospital, they are separated by a public/adopted footpath. To the North and East of the site is Shipton Road.

1.4 A change of use of the offices to 11 no. flats (use class C3) under Class J Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 has recently been granted for this building (14/01983/ORC). Prior Notification for the demolition of the building (16/00161/DMNOT) was granted in February 2016. At the time of writing the original building had been demolished, the extension was still standing.

1.5 An application for a three storey building contained 14 flats was withdrawn from committee in January 2016. Officers recommend refusal on the grounds of the loss of a non-designated heritage asset and that the creation of 14 flats was not considered to justify or outweigh the loss of the building with a replacement building that was of poorer architectural quality and was considered to make a much poorer

contribution to the area in terms of visual amenity, character, loss of architectural variation, and distinctiveness.

1.6 Revised plans have been submitted altering the footprint and layout of the proposed building. An updated bat survey was submitted during the process. During the application information was submitted regarding the possible architect of the original building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

2.2 Policies:

CYSP2	The York Green Belt
CYSP3	Safeguarding the Historic Character and Setting of York
CYGP1	Design
CYGP3	Planning against crime
CYGP4A	Sustainability
CYGP9	Landscaping
CGP15A	Development and Flood Risk
CYNE1	Trees, woodlands, hedgerows
CYNE6	Species protected by law
CYNE7	Habitat protection and creation
CYGB1	Development within the Green Belt
CYT4	Cycle parking standards
CYE3B	Existing and Proposed Employment Sites
CYL1C	Provision of New Open Space in Development
CYED4	Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections. Access to the development is from an unadopted access road. Car parking and turning is in accordance with CYCs Appendix E standards. Access to the nearest bus stop is available via the public footpath. The applicant has stated previously that refuse will be collected by commercial refuse collectors.

3.2 Cycle parking is not fully detailed. It needs to be enclosed, secure, and accommodate 1 cycle per unit, to achieve our standards however further cycle parking details may be conditioned

3.3 Due to the location, size of the properties proposed and limited off-street parking, the development has the potential to still attract multiple car ownership but

without the off-street facilities to accommodate them. HNM have secured agreement from the developer that they provide the following contributions/measures to incentivise sustainable travel thus reduce the potential impact on the highway: First occupiers to be offered the choice of either a free cycle (or vouchers up to the value of £160 per unit) or 6 month bus pass per unit.

Planning and Environmental Management (Landscape Architect)

3.4 The proposal aims to retain the young Oak and Ash on the boundary with Shipton Road. Similarly the trees to the north of the building can be feasibly retained as proposed. This latest proposal creates a space in the internal angle of the northeast of the building, which would allow the planting of a sizeable tree in order to perpetuate the treed landscape of Shipton Road and Clifton Park.

Planning and Environmental Management (Ecology Officer)

3.5 Emergence surveys carried out in 2015 and 2016 have identified a small number of day roosts within the building, occupied by solitary common pipistrelle bats. All of the roosts identified are solitary day roosts, and it is likely that these roosts are occupied by male bats which tend to roost individually during the summer months. No roosts were identified within any of the mature trees along the roadside and lining the access from within Clifton Park, but regular foraging did take place around these during the activity surveys, particularly around the trees along the access road. Due to the presence of small, solitary day roosts within the roof of North Lodge, demolition work will need to be carried out under Licence from Natural England, but with appropriate mitigation it is not considered that the proposals will significantly impact on the conservation status of this species.

Planning and Environmental Management (Archaeology)

3.6 The demolition will have a significant and detrimental impact on an undesignated heritage asset. Clifton Hospital has its origins in the 1845 Lunacy Act which required each of the three authorities in the York area to provide accommodation for pauper lunatics which had previously been housed in various buildings and workhouses as well as at York Lunatic Asylum. The North and East Ridings formed a Joint Committee to develop a combined institution and a site was chosen off the Shipton Road. George Gilbert Scott in partnership with William Bonython Moffatt provided the plan for the original building based upon the usual corridor plan of the time. The main gate was protected by a lodge cottage (North Lodge, subject of this application).

3.7 The loss of this significant and prominent building of the 19th century mental hospital is to be regretted. If the application is approved, the building will require full recording prior to demolition.

Flood Risk Management Team

3.8 Insufficient information has been submitted to assess the surface water drainage scheme; the information can be sought via a condition

Public Protection

3.9 From a noise perspective, principal concerns relate to the impact of the A19 on the residential properties and the impact from the demolition and construction phases of the development on the nearby care home and other properties. No noise assessment has been submitted. Ideally a noise report should have been submitted to demonstrate that the internal noise levels in the proposed properties could achieve the levels detailed with the World Health Organisation Guidelines on Community Noise, BS8233 (2014) and those detailed within the application. However, given the existing residential units in the area would request a condition regarding the insulation of the building envelope.

3.10 The submitted Phase 1 site assessment identifies that the sites former use as part of a hospital may have given rise to contamination such as ash and clinker deposits associated with coal/wood fires, and the uncontrolled deposition associated with construction of extensions i.e. fuel oils, asbestos. As a result of this it is recommended that further site investigation is carried out to determine whether land contamination is present. If contamination is found, remedial action will be required to ensure that the site is safe and suitable for its proposed use. The investigation of land contamination and remediation scheme can be sought via condition.

3.11 The scheme involves the provision of 18 car parking spaces, 3 of which will be for visitors. Paragraph 35 of the NPPF states that plans should 'protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people'. Request that at least one visitor parking bay must be marked out for use by electric vehicles only, together with charging infrastructure and cabling. Request a Construction and Environmental Management Plan to be sought via condition

Public Realm

3.12 No open space contribution required

Education Planning Officer

3.13 Education Contribution not required

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Rawcliffe Parish Council

3.14 No objections, however they have concerns regarding the high water table in the area, therefore request an appropriate drainage scheme to be part of the planning permission.

Clifton Without Parish Council

3.15 No objections, happy with the revised appearance of the proposed building

Police Architectural Liaison Officer

3.16 Within 500m radius of the development site and over a twelve month period from the 1st May 2015 to the 30th April 2016 there were 32 incidents of anti-social behaviour and 65 crimes recorded (25 relating to property crime). No documents with the application to demonstrate how the applicants have considered crime prevention in respect of their proposal. 1.2 Metre high fence between footpath and car park will not provide a secure boundary. Recommend minimum height of 1.8m. Request a number security design issues such as external lighting, gate to be electronically controlled etc. Insufficient parking provision, considered there is a requirement for more than one space per flat. May lead to parking issues in the surrounding area. Request that applicant draw up a maintenance plan to address such issues as: Litter/graffiti removal; Repair to security features such as lighting, access control, fencing and gates, etc. Management of the site reduces the feeling of insecurity.

Yorkshire Water

3.17 The drainage strategy is not satisfactory, the report should clarify how and where the site currently drains its surface water. Not demonstrated that soakaways are not an option. There is a surface water sewer within Clifton Park Avenue which discharges to a watercourse this could be an option. Seek condition require details of surface water drainage scheme

Kyle and Upper Ouse Internal Drainage Board

3.18 No comments received

Victorian Society

3.19 Object, North Lodge is a non-designated heritage asset of note and one that could be easily retained, the loss of which - according to paragraph 135 of the NPPF - is a material consideration in determining the application. The demolition of the later extensions would free up space on which to build whilst allowing the retention

of the heritage asset. It would also preserve the historic associations of the building and the site as well as the positive contribution the building makes to the character and appearance of the local built environment. By contrast this application proposes the harmful and unjustified demolition of a locally significant building, one almost certainly designed by a nationally important architect, which would erode the quality and identity of the local area. A far more sensitive solution is not only desirable but readily achievable.

3.20 The identity of the architect of the lodge - George Fowler Jones, himself an architect of some note, particularly in the local context and that of nineteenth-century asylum planning. The demolition of the lodge has not been justified.

Publicity and Neighbour Notification

3.21 2 letters of objection:

- Height of the proposed building contrary to surrounding character
- Third floor windows and balconies will result in a loss of privacy to nearby dwellings, this may be mitigated by more trees being planted along the boundary with Shipton Road
- The conversion of the existing building would be more in line with the NPPF. It would be more sustainable than a new building. This would retain the Lodge building which is deemed to be of historical value
- Proposed development will impact on the visual amenity and architecture quality of the area
- The residential use (24/7) will have a greater impact than the office use (7 hours a day, 5 days a week)
- Acoustic survey is required as the balconies may be unusable during the day
- Windows should be angled away from nearby dwellings
- Lighting strategy is required to reduce light pollution

3.22 3 Letters of Support:

- Understand the current building is run down and not fit for purpose as offices or to be converted for residential use, we therefore strongly support the application. We also understand that the natural stone and roof tiles will be retained and reused to ensure the new building is fully in keeping with the surrounding environment.
- Proposed building would be much better designed and thought out.

4.0 APPRAISAL

KEY ISSUES

- Planning policy

- Green belt
- Loss of office space
- Design and Appearance
- Residential Amenity
- Ecology
- Drainage

ASSESSMENT

Planning Policy

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Draft Development Control Local Plan (2005)

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.3 Policy GB1 'Development in the Green Belt' of the DCLP sets out a number of criteria of considering new sites, whilst some of the specific criteria do not comply with the NPPF the general aim of the policy is considered to be in line with the NPPF.

4.4 Policy SP2 'The York Green Belt' states that the primary purpose of the green belt is to safeguard the setting and historic character of the city. Policy SP3 'Safeguarding the Historic Character and setting of York' states high priority will be given to the historic character and setting of York. The general aim of the policy - take account of the different roles and character of different areas - is considered to be in line with the NPPF.

Emerging Local Plan

4.5 The public consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan has just ended and the responses are being compiled and assessed. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration in the determination of planning applications.

4.6 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt).

4.7 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

Green Belt Status of the Site

4.8 The site is located within the general extent of the York Green Belt as described in the RSS. The DCLP (2005) and the emerging local plan designate the site as greenbelt. The wider site is used as mixture of office, car parking, and dwellings and prior to this it was used as Clifton Hospital.

4.9 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.10 The site forms part of a green wedge and serves a green belt function for the following reasons: undeveloped open space with a rural feel reaching close to the centre of the city; allow an open aspect and views towards important city landmarks; physical separation between urban forms of a different character; and open areas which build upon the presence of the strays and form a more pronounced separation between areas of different urban form, character and history.

4.11 Whilst being adjacent to the inner greenbelt boundary and surrounded by development is considered to fulfil 1 of the 5 Green Belt purposes (to preserve the setting and special character of historic towns), by virtue of its location adjacent to a main and historical route into the city.

Impact on the openness of the Green Belt

4.12 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions including: limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Much of the building has been demolished, therefore the proposed development would have a greater impact than what is on site. However by virtue of the nature of the developed site, and that the site is surrounded by 2 and 3 storey developments it is not considered that redevelopment of this site would have a greater impact on the openness of the greenbelt and the purposes of including land within it, as such it is considered to fall with the aforementioned exception set out in para 89 of the NPPF

Loss of Office Space

4.13 Government policy is to assist the economy, proposals should be allowed unless they would compromise the key sustainable development principles set out in national planning policy. Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187). Planning should encourage and not impede sustainable growth therefore significant weight should be placed on the need to support economic growth through the planning system (paragraph 19).

4.14 Policy E3b of the Draft 2005 Local Plan seeks to keep all office uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intention of these policies does not conflict in principle with the NPPF.

4.15 Much of the building has been demolished; the remaining part of the building is currently used as office space. The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for

different land uses to support sustainable local communities. The applicant has not demonstrated that there was no longer a qualitative or quantitative need for this building. The part demolished building had previously been granted planning permission (under permitted development rights) for its conversion into residential flats. Whilst the site could be re-developed for office use (subject to a further planning permission) there appears little realistic prospect of that happening, the residential redevelopment scheme is before Members and given the policy of the NPPF for local planning authorities to boost significantly the supply of housing it is considered that on balance that a residential scheme is acceptable.

Design and Appearance

4.16 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas; encourage the effective use of land by reusing land that has been previously developed land); conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

4.17 The recently demolished building was considered to be a non-designated heritage asset. A Prior Notification for Demolition of the building was granted earlier this year, the General Permitted Development Order does not enable the LPA to consider such issues.. As the original building has been demolished the non-designated heritage asset consideration can no longer be taken into account when assessing the application.

4.18 With regards to design the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. It then goes onto to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.19 The footprint of the proposed building is similar in scale to the previous building. The proposed building would be taller than the original building; the massing would be greater by virtue of the reduced roof variations. However it is considered that the resulting development would not be unduly prominent within the street-scene when viewed from Shipton Road, the hedge and the trees along the eastern boundary would create a visual break that would help to mitigate/screen the impact. The proposed building would be viewed in context of the surrounding development: the three storey care home to the North West is taller than the proposed building; and the two storey office block to the south which is set at a lower height than the proposed. The proposed materials would be similar to the building it replaces (stone, stone copings, slate). The appearance of the three storey building is relatively simple and the building would be similar in design quality

to the surrounding development (business units and adjacent care home) and would be in keeping with the prevailing character of the area.

Trees and Landscaping

4.20 Policy NE1 'Trees, Woodlands and Hedgerows' of the Local Plan seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss.

4.21 The mature trees to the eastern boundary with Shipton Road are a key positive characteristic of the area. The plans show the proposed building located close to the Young Oak Tree (T2) and 10 metre high Ash tree (T1) to the eastern boundary. The proposed development would prevent the Oak tree from reaching its potential by virtue of its proximity, and for this reason it is likely that there would be future pressure to fell this tree. The site plan indicates a replacement tree proposed further north east along the boundary to mitigate the loss and this could be sought via condition.

4.22 With regards to tree T1 the proposed car park follows a similar line to the existing. If the development was considered acceptable the construction of the parking area could be conditioned to take into account the root protection zone.

4.23 The trees are protected by a Tree Preservation order however if planning permission was granted it is considered necessary to condition the retention of the hedge along the shared boundary with Shipton Road, to provide an element of screening. In addition the hedge makes a positive contribution to Shipton Road and is a significant part of the character of the area (matures trees, soft landscaping and open areas). The outside area would be split into garden areas for the ground floor flats. It is considered necessary to also condition the minimum height of the hedge.

Impact on Residential Amenity

4.24 There is a nursing home to the west of the application site. The proposed building is not considered to result in overlooking or a loss of privacy to the occupants of the nursing home. The occupancy of proposed flats are not considered to result in an undue increase in noise disturbance to the area.

4.25 The dwellings to the east are set at such a significant distance that it is not considered there would be any loss of residential amenity. The other buildings in close proximity are of a business use and it is not considered that the proposed building would unduly impact on the functioning of the current businesses.

4.26 Public Protection seek that the envelope of the building is constructed to a standard to provide noise mitigation from Shipton Road, this is considered reasonable and compliant with the NPPF in providing good quality housing stock.

Highways and transport

4.27 The NPPF seeks that LPAs actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

4.28 The application site is in a sustainable location, close to public transport, and reasonably accessible to shops and facilities.

4.29 Secure cycle storage has been provided within the building. However no details have been submitted as to how 14 cycles can be securely stored within this area, these details can be sought via condition.

4.30 Access to the development is from an un-adopted access road. The proposed car parking and turning are in accordance with CYCs Appendix E standards. Access to the nearest bus stop is available via the public footpath. The applicant has stated previously that refuse will be collected by commercial refuse collectors. The Police have requested further parking spaces however by virtue that each flat has a parking space, there is a secure cycle store, and the site is close to good cycle routes, and the site is adjacent to a bus stop of a regular bus service it is considered unreasonable to request further vehicle parking. The Highways Network Management Team has requested cycle provision and that the first occupiers of the development be provided with a bike or a bus pass. As this would only benefit the first occupiers of the dwellings rather than all the occupants it is considered that it would not be reasonable to request this, nor would it fulfil the tests of the National Planning Practice Guidance.

Open Space and Education Contribution

4.31 Development Control Local Plan Policy ED4 states that the impact of new residential developments on local schools needs to be considered. The Education Planning Officer has confirmed they do not require a contribution as there is sufficient space at the local schools

4.32 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers; this is considered to be consistent with paragraph 73 of the NPPF. The Public Realm Operations Manager has confirmed they do not require a contribution as there is a surplus of most open space typologies in the Skelton, Rawcliffe and Clifton Without wards.

Ecology

4.33 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes,

geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible.

4.34 The bat survey identified a small number of day roosts within the building which are occupied by solitary common pipistrelle bats. The roosts would be destroyed as part of the demolition works. Bat roosts are protected throughout the year, whether bats are present or not. As such a Natural England European Protected Species development license is required before building work can commence. As the demolition has started on the original building the developer would have been required to have this license before works began. The loss of the roosts will not have a significant impact at a local, regional or national level. Loss of crevice roosting habitat will be mitigated for through the installation of long-lasting, professional quality bat boxes on site as part of the re-development scheme and/or integral bat bricks within the new build. Such habitat provision will ensure that ecological functionality of the site is maintained post-development and is also in line with local and national planning policy with regard to habitat enhancement. If planning permission is granted it is considered necessary to condition.

4.35 No roosts were identified within any of the mature trees along the roadside and lining the access from within Clifton Park, but regular foraging did take place around these during the activity surveys, particularly around the trees along the access road. The trees on the road side are very well lit (they are adjacent to high level street lighting) and this makes any use by roosting bats unlikely, and very little activity was recorded in this area during the surveys. These trees are protected by a Tree Preservation Order (TPO) and are being retained as part of the development scheme. The rest of the landscaped areas around the office building provide low quality habitat.

Drainage

4.42 The applicants have not provided sufficient information regarding the proposed surface water drainage scheme. However it is considered that further details can be sought via condition.

4.43 The foul drainage scheme is matter of agreement to be reached between Yorkshire Water and the developer, and an adequate foul drainage scheme is achievable under the Building Regulations.

5.0 CONCLUSION

5.1 The proposed building is considered to be appropriate development within the Green Belt and would add to the supply of homes in a sustainable location. The proposed building would be in character with the surrounding development and would retain important trees and hedgerows. The development would not result in undue harm to the residential amenity of the occupants of the nearby dwellings.

The scheme is in general accordance with the policies of the NPPF and the Development Control Local Plan (2005).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved Drawings

3 VISQ8 Samples of exterior materials to be app

4 Details of all means of enclosure to the site boundaries, including the vehicle access gate shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

5 The development and construction of the development hereby approved shall be in accordance the tree and hedge protection measures set out in Tree Statement ref BS5837:2012 (by Jo Ryan dated July 2015) received 11 May 2016 and the 'Tree Protection Plan' and 'Tree Constraints Plan' (both by Jo Ryan dated July 2015) received 11 May 2016.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the development and/or locality.

6 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall include replacement/additional tree (location set out in Drawing Number 014251_P_106 Revision D, received 24 October 2016 and Drawing Number 014251_P_230 Revision C received 19 September 2016) along the boundary with Shipton Road This scheme shall be implemented 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

7 The existing hedge along the eastern boundary with Shipton Road/A19 shall not, except with the prior approval in writing of the Local Planning Authority, be removed or reduced in minimum height below 2 metres above ground level at the hedge roots.

If in the circumstances that a tree/s or part of the hedge is removed details illustrating the number, species, height and position of the replacement trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. This replacement planting shall be implemented within a period of six months of the original removal of the tree/s and/or hedge.

Reason: To protect the visual amenity and character of the street-scene and area, to provide screening of the proposed development. To provide privacy for the future occupants of the ground floor flats (and gardens) hereby approved.

8 One electric vehicle recharge point shall be provided. The recharge point should be installed prior to first occupation of the building. The location and specification of the recharge point shall be agreed in writing with the Local Planning Authority prior to installation.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 35 of the National Planning Policy Framework.

9 Prior to the first use of the building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting associated with that building. The development shall be carried out in accordance with the approved lighting scheme.

Reason: Given the location of the proposed development in the interests of visual amenity and the character of the area, to prevent light disturbance and nuisance, and to assess the impact on ecology.

INFORMATIVE: There should be no direct illumination of foraging, roosting and commuting habitat and any light spillage should be minimised as much as possible.

10 The development hereby permitted shall not be occupied until mitigation comprising of a minimum of three habitat features for bats on site such as crevice bat boxes and/or integral bat bricks, and three bird nest boxes, have been installed/constructed in accordance with guidance from a suitably qualified ecologist.

Reason: To take account of and to enhance the habitat for a protected species. It should be noted that under National Planning Policy Framework the replacement/mitigation proposed should provide a net gain in wildlife value.

11 All construction and demolition works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: To protect the amenity of local residents

12 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels no greater than 30 dB LAeq (8 hour) and 45dB LAmax inside bedrooms at night (23:00 - 07:00 hrs) and 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These internal noise levels shall be observed with adequate ventilation provided. The detailed scheme shall be approved in writing by the Local Planning Authority and fully implemented prior to the first occupation of the building.

Reason: To protect the amenity of the future residents

13 Prior to commencement of the construction of the building hereby approved, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall 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,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Informative: It is advised that the above be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The information is sought prior to commencement to ensure that the protection measures are initiated at an appropriate point in the development procedure.

14 Prior to commencement of the construction of the building hereby approved, 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) shall be submitted to and approved in writing by 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. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The information is sought prior to commencement to ensure that the protection measures are initiated at an appropriate point in the development procedure.

15 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation shall be submitted to 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.

16 In the event that previously unidentified contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17 HWAY18 Cycle parking details to be agreed

18 HWAY19 Car and cycle parking laid out

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Sought additional information
- Sought revised plans
- Use of conditions

2. INFORMATIVE

It is recommended that the developer advise the occupants of the adjacent care home of the demolition works and any construction methods that may cause disturbance to the residents.

3. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for

"Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

4. INFORMATIVE:

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period.

There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website

http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx.

5. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

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