

2.0 POLICY CONTEXT

2.1 Publication Draft Local Plan (2018) Policies:

D1 Placemaking
D4 Conservation Areas
D5 Listed Buildings
H10 Affordable Housing
DM1: Infrastructure and Developer Contributions

2.2 Development Control Local Plan (2005) Policies:

CYGP1 Design
CYH2A Affordable Housing
CYHE2 Development in historic locations
CYHE3 Conservation Areas
CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection in principle to the proposal subject to the submission and approval of a scheme of noise insulation to safeguard the amenity of prospective residents in respect of the approved cafe/delicatessen in the adjacent Liquor Store, together with the submission and approval of a CEMP (Construction Environmental Management Plan) and the remediation of any remaining contaminated land issues.

Housing Services

3.2 Seek the provision of 5 social rented and 1 discount sale apartment in this scheme plus a commuted sum equivalent to 0.2 of a discount sale apartment with the affordable units integrated throughout the scheme. The size and type of homes should be a pro-rata mix. If Registered Provider partners judge that the affordable housing cannot be successfully delivered on site, an off-site commuted sum representing the full value of the affordable housing may be considered.

Design, Conservation and Sustainable Development (Design)

3.3 Objected to the original proposal on the grounds of impact of the additional bulk height over and above the approved scheme on the visual amenity of the wider street scene, together with the impact of the additional height and bulk upon the setting of the adjacent Listed Buildings.

Highway Network Management

3.4 Initially raised concerns in respect of the level of car parking allocated to the development and the layout and numbers of cycle parking provision. Following further clarification the arrangements for vehicle and cycle parking are now felt to be acceptable. If permission is given a commuted sum payment is sought for sustainable transport comprising £400 per dwelling for cycling/bus pass provision and £200 per dwelling as a car club contribution.

Flood Risk Management

3.5 Both foul and surface water are connected to the previously agreed main drainage infrastructure. In terms of surface water there is no significant change in the proposed connected impermeable area which is attenuated and discharged at the agreed rate for the whole site to manhole SWDC-15 & SWMH-214 as shown on the Proposed FW & SW Sewer Infrastructure (Phase 2) Drawing No. D50044 P4 dated 26.10.2016 by Cooper Consulting.

Education

3.6 The education contribution of £750,008.00 requested for 14/01716/FULM is still required

Community Sports Development Manager

3.7 If the original development Block H has only increased by 1no. bedroom then the Section 106 contribution would increase by £213 to cover this.

EXTERNAL

York Civic Trust

3.8 Object to the original proposal on the grounds of harm to the setting of the adjacent Listed Buildings and the character and appearance of the Terry's/Racecourse Conservation Area by virtue of the additional height and angular massing of the proposed additional storey over and above what has previously been approved. Concern is also expressed in respect of the relationship of the proposed pattern of fenestration to that adopted in the adjacent Listed Buildings.

Yorkshire Water Services

3.9 Raise no objection to the proposal.

Micklegate Planning Panel

3.10 Object to the proposal on the grounds of harm to the setting of the adjacent Listed Buildings by reason of the additional height and density when compared with the previously approved scheme.

The Ainsty (2008) Internal Drainage Board

3.11 Raise no objection to the proposal.

North Yorkshire Police Designing Out Crime Officer

3.12 Raise no objection to the proposal.

Historic England

3.13 Object. Additional height of proposed block H could intrude upon and compromise the iconic view of the Clock Tower from the Grade 1 listed Goddards. If this view is blocked or compromised the historical association would be harmed, the setting of Goddards compromised and the historic narrative of this important house would be disrupted. Recommend that the council ensures that heights are reduced to protect these views and to ensure that the prominence of the Clock Tower is maintained.

The National Trust

3.14 Object to the proposal because of the harm it would cause to the setting of the Grade I Listed Goddard's House Tadcaster Road, the historic residence of the Terry family. The site of Goddards' was chosen to be in sight of the factory. There remains a gap between the racecourse stands with the Clock Tower remaining in view from Goddards, allowing the significance of both to be understood. The proposed increase in height from the original approval has the potential to impact on this view and on the setting of the heritage assets.

Publicity and Neighbour Notification

3.15 Fifty nine letters of representation have been received raising the following issues:-

- Objection to the impact of the proposal upon the setting of the adjacent Listed Buildings;
- Objection to the impact of the proposal upon the character and appearance of the Terry's/Racecourse Conservation Area;
- Impact upon the residential amenity of neighbouring properties by virtue of loss of light, privacy and overlooking;
- Objection to the over-development of the site;

- Concern in respect of the impact of the proposal upon the safety and convenience of highway users on the local network;
- Concern in respect of the impact of the proposal upon the availability of parking spaces in the locality;
- Concern in respect of the impact of the proposal upon local infrastructure.

Additional Comments following amendments to reduce height

3.14 Following on from the amendment to the proposals a further consultation/publicity exercise has been undertaken and further responses from the Civic Trust, the Planning Panel and 7 letters of representation have been received raising the following planning issues:

- Objection to the design of the building on the grounds of poor architectural merit and poor visual relationship to the adjacent Listed Buildings.
- Objection to the impact of the revised scheme upon the setting of the Multi-Storey Factory.
- Objection to the impact of the proposal upon the residential amenity of neighbouring properties by virtue of over-dominance.
- Objection to an over-supply of apartments within the wider scheme;
- Objection to the lack of vehicle parking space within the site and lack of support for sustainable transport measure.

York Civic Trust

3.15 Remain concerned about the impact on heritage assets of the former factory site. This sensitive heritage space requires a clever piece of architecture that while sympathetic is not a pastiche of the heritage assets. Fenestration remains at odds with the historic buildings. Consider that the visual height and angular massing might be better offset by the omission of one of the lower floors with the retention of a parapet and splayed upper floor.

Micklegate Planning Panel

3.16 The height of the proposal needs to be reduced

4.0 APPRAISAL

KEY CONSIDERATIONS INCLUDE

- Principle Of The Proposed Development
- Heritage Assets
- Impact Upon The Residential Amenity Of Neighbouring Properties
- Transport;
- Planning Obligations

- Affordable Housing

NATIONAL PLANNING POLICY FRAMEWORK

4.1 The NPPF sets out the Government's planning policies for England and how they should be applied.

LOCAL PLAN

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes – The Development Control Local Plan - 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 as revised in July 2018, although the weight that can be afforded to them is very limited.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.4 Section 5 of the NPPF contains the Government's objective of significantly boosting the supply of homes. Section 11 promotes the effective use of land. It states "Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions". It goes on to state that planning decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively".

4.5 The site currently is underused, previously developed land which is subject to an extant planning permission for a four storey block of 34 apartments. The city has

demonstrable housing need and this is an accessible, central, sustainable location. Policy is in favour of the proposed re-use of the site in principle.

4.6 Policy H2 requires an appropriate density of development on sites to ensure the efficient use of land. Policy H3 states that "proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people". The housing mix proposed is 11 x 1 bed, 22 x 2 bed and 1 x 3 bed apartments. Consequently the proposals do not conflict with the approach proposed in policy H3.

4.7 Affordable housing will be secured in accordance with policy H10 and this is discussed later on in the report.

HERITAGE ASSETS

4.8 Section 16 of the NPPF contains policies for conserving and enhancing the historic environment. Paragraph 193 advises Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 194 advises that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be" ... "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification." Paragraph 196 advises that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal....." Paragraph 200 advises that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The Proposal

4.9 The scheme proposes the construction of a single apartment block. The building would be approximately 41 metres in depth (north south axis), would present a 31metre wide frontage to The Boulevard to the south and an 18 metre wide frontage to Joseph Terry Grove to the north. The building would be about 12.5 metres high. The land slopes slightly from north to south. The building would be clad in brick with dry cast stone detailing to the window surrounds. Recessed balconies would have glazed balustrades. Car parking is proposed to the north of the Liquor Store and along the east side of the building. Formal tree planting is

proposed in the parking areas. The building would be almost 17 metres from the rear elevation of the former Headquarters Building and 8.5 metres from the flank of the Liquor Store. The proposed building is a storey higher than the Liquor Store. The proposed building would be set back about 1.6 metres back from the building line created by the southern elevations of the former Headquarters Building and the Liquor Store. Prior to the closure of the factory and demolition the application site comprised a flat roofed three storey commercial building, dating from the 1970s, attached by a bridge to the multi-storey factory building.

Impact Upon The Setting Of Listed Buildings

4.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." As a statutory duty, any harm to the listed building or its setting must be afforded significant weight when considered in the planning balance and this is outlined below. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. The presumption in favour of sustainable development set out at Para 11 of the NPPF would not apply in these circumstances.

4.11 Asset Significance - The former Terry's complex comprises a large former chocolate and confectionary manufacturing complex in operation from the 1920s through to 2006. The complex is designed to a simple Neo Classical metaphor characteristic of the early 1920s with each building constructed in brick with stone detailing. The former Headquarters' Building is aligned on Bishopthorpe Road with a short length of separate drive way to give the impression of a small to medium size Neo-Classical villa. The remainder of the complex is aligned on the former principal access, now The Boulevard, with prominent Art Deco detailing in stone on the Factory, Clock Tower and Liquor Store. The complex is a strong group in architectural terms, presenting a unified style which reflects the strength and importance of the corporate image of Terry's chocolate firm. The buildings also have a strong historic interest, representing the most complete surviving expression of the importance of the confectionary business in York, and confirming, on a national scale, York's high status in this business.

4.12 Assessment Of Impact - The proposal envisages a consolidation of the approved pattern of development into a single block with the pattern of car parking arranged in two blocks to the north west and to the east. The location of the parking to the north west provides a more open setting to the Clock Tower and Liquor Store, tree planting will help to mitigate the appearance of car parking in this area. Previously a residential building was proposed in this location. Prior to demolition a three-storey commercial building was located on the site. More significant concern was expressed in respect of the design and layout of the fifth floor with the additional height that would be created. It was felt that the design and material chosen for the proposed fifth floor would render it highly prominent within the wider street scene

and that the visual intrusion of the proposal, which is not of the scale and massing of the previously approved scheme, would cause significant harm to the setting of the adjacent listed buildings. In order to address the concerns the scheme was amended to remove the fifth floor ensuring that the scheme more closely aligned with the scale and massing of that previously approved. The parapet level is now proposed to be approximately 0.5 metres below that of the previous approval. Medium and long distance views of the listed buildings would be retained and the proposed building would not harm these views. It is felt that the scale and layout of the revised proposal would result in a scheme that would not harm the setting of the listed buildings.

4.13 The application site also lies within the setting of the County Stand a Grade II* Listed Building within the curtilage of the Racecourse complex. As a consequence of the alignment of the building and its surroundings it is felt that the proposal would not give rise to any material harm to its setting.

Setting Of Goddards And Its Registered Historic Park And Garden

4.14 Concerns have been raised by objectors in respect of the impact of the proposals on the setting of Goddards the Grade I Listed former home of the Terry family with its historic park and garden on the north side of the Racecourse. The original factory complex was constructed to be clearly inter-visible with the family residence and as such forms part and parcel of its wider setting. Objector's contended that the proposed apartment block would cause less than substantial harm to the setting of Goddards and its garden when taken cumulatively with other developments undertaken at the site and the adjacent racecourse and that no clear public benefit that would outweigh the harm had been put forward as required by Central Government planning policy as outlined in paragraph 196 of the NPPF.

4.15 Goddards lies in landscaped grounds accessible from Tadcaster Road to the north west of the site beyond the Racecourse. The principal views that remain of the former factory from Goddards are of the Clock Tower. The proposed apartment block is set back significantly from the Clock Tower compared with the approved scheme and has been reduced in scale to four storeys. Whilst it is acknowledged that there has been harm to the visual relationship between Goddard's and the former Chocolate Works by virtue of developments on the Racecourse, it is considered that the revised proposals would not harm the setting of Goddards or of its garden.

Impact Upon The Terry's/ Racecourse Conservation Area

4.16 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council "to have special regard to the desirability of preserving and enhancing the character and appearance of Conservation Areas. As a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a

strong presumption against the grant of permission. Policy D4 of the Publication Draft Local Plan is also relevant in this context. This indicates that development proposals will be supported if designed to conserve and enhance the Conservation Area whilst leaving its essential qualities unchanged.

4.17 Asset Significance - The Terry's/Racecourse Conservation Area encompassed the retained buildings of the former chocolate works complex together with racecourse complex. It is characterised by agglomerations of comparatively high buildings some of which such as the Multi-Storey Factory and the Clock Tower have iconic status in terms of the wider City skyline. The former Terry's factory character area includes all the early buildings of the complex. Its special interest is a result of the consistent high-quality design approach, the layout of the factory buildings on a rectilinear grid arranged around two axis and the generally inward looking nature of the site. The key spaces are the forecourt to the head office, the main access road and the garden in the south east corner of the site.

4.18 Assessment Of Impact - The scheme as amended envisages the erection of a four storey block within a consolidated foot print from that previously approved. It maintains the grid pattern established for the factory and the subsequent redevelopment and provides for an appropriately scaled built northern boundary to the key space of the main access road. The building's south elevation would be set back from the listed building's building line. The proposed block would provide appropriate spacing to the key buildings and with the previously proposed fifth storey removed would respect the character and appearance of the conservation area terms of its pattern of scale and massing. Medium and long distance views would be retained. The development would not harm the character and appearance of the Conservation Area and as such would comply with the statutory test outlined in Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and the policies of the NPPF and the draft local plan.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.19 NPPF paragraph 127 indicates that planning decisions should create places with a high standard of amenity for all existing and future users. Policy D1 (Placemaking) of the Publication City of York Local Plan indicates that new development should pay close attention to the residential amenity of neighbouring properties.

4.20 Concern has been expressed by objectors in terms of the impact of the proposal upon the residential amenity of neighbouring properties notably the apartments within the former multi-storey factory (The Residence) by virtue of loss of light, privacy and over-bearing impact. The proposed scheme as amended differs from that previously approved by virtue of consolidating the built footprint of the previously approved scheme into a single unit with slight variations in siting and overall height. The location, scale and massing of the amended scheme would closely match that previously approved and would not be over-dominant in respect

of its relationship with The Residence. The distance between the buildings would be about 26 metres, which is slightly greater than with the approved scheme. Whilst balconies are proposed, it is considered that the separation distances would mitigate against significant overlooking. To the north planning permission exists for townhouses and a current planning application 18/02329/FULM retains townhouses directly to the north of block K. The relationship between the proposed townhouses and the proposed apartment block would not be materially different to that previously approved and would provide for appropriate living conditions for future residents.

TRANSPORT

4.21 The NPPF seeks to ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, safe and suitable access to the site can be achieved for all users and any significant impacts on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree. Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.22 Local bus routes link the site to the city centre and railway station, although these are not high frequency routes. The site is close to cycle links to the city centre and more local shopping and leisure facilities.

4.23 Concern has been raised by objectors in respect of the level of vehicle parking to be provided in respect of the proposal. The level of car parking to be provided at 35 spaces which is in line with the previously approved scheme and the Car and Cycle Parking Standards. Concern has however been expressed in terms of an absence of visitor parking spaces with the potential for over-spill parking within the surrounding area. It is however felt that the numbers of spaces proposed are consistent with what has previously been approved. As such the arrangements are felt to be acceptable.

4.24 The previously approved scheme for the wider site was subject to a Section 106 Agreement which allowed for the payment of commuted sums to secure sustainable transport improvements, and further commuted sums are sought in respect of a Section 106 Agreement in respect of the current proposal should approval be forthcoming. In terms of cycle parking 40 spaces are proposed within a single store with the use of Sheffield-style stands predominating. It is felt that the numbers and layout of the proposed cycle parking are appropriate taking account of what was previously approved.

4.25 Concern has been raised by objectors in respect of the impact of the levels of additional traffic upon the safety and convenience of highway users. The amended scheme would however generate a similar volume of traffic to that previously approved. The impact would be neutral.

IMPACT UPON LOCAL INFRASTRUCTURE

4.26 Concern has been raised by objectors in respect of the impact of the proposal upon local infrastructure such as schools and doctor's surgeries. The proposal as amended is however identical in terms of numbers to that previously approved. The impact would be neutral.

PLANNING OBLIGATIONS

4.27 Policy DM1: Infrastructure and Developer Contributions states that the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. Contributions will be sought to fund strategic infrastructure that helps to deliver the Vision, Spatial Strategy and Objectives of the Local Plan, as well as specific infrastructure that is necessary to deliver an individual site.

4.28 Financial contributions in terms of provision of an annual bus pass/cycling contribution of £400 per apartment together with a financial contribution of £200 per apartment towards the City Car Club is sought in order to promote the development of sustainable means of transport in the local area which may be secured by means of Section 106 Agreement. With respect to Education a contribution of £750,008.00 was secured by means of Section 106 on the original consent towards educational facilities for nursery, primary and secondary school places within 1.5 miles of the development or such other facilities that in the opinion of the council best serve the Development. Education Services have confirmed that this figure would still apply. In addition a contribution of £275,976.00 towards procuring the provision of or improvements to sport facilities on the Knavesmire or within 1km from the Development was secured as part of the original Section 106 and CYC Community Sports Development Manager has confirmed that this figure would need to be increased by £213 to cover the additional bedroom that has been incorporated into the scheme.

Affordable Housing

4.29 The proposal falls to be considered against the requirements of Policy H10 of the Publication Draft Local Plan. The policy has a target of 20% affordable housing for brownfield sites within the urban area. Six units would be provided on site with a financial contribution of the equivalent of the market value of 0.8 of a dwelling at a standard valuation for the development. The provision and contribution can be secured by means of a Section 106 Agreement.

4.30 The proposed obligations are considered to comply with Regulation 122 of the 2010 CIL Regulations, in that the obligations are;

(a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development,

Contributions also comply with Regulation 123 in respect of pooling restrictions.

5.0 CONCLUSION

5.1 The application proposes a development of 34 apartments on previously developed land in a sustainable location. The proposal provides for a mix of smaller apartments including affordable housing. Planning permission has exists for an apartment block on the site. The scale and design of the scheme would not harm the character and appearance of the conservation area nor the setting of adjacent and nearby listed buildings. The scale and design of the proposal would not harm the living conditions of existing residents. Parking provision is provided to the standards set out in the DCLP and traffic generation, compared with the extant permission would be neutral. It is considered that the proposal as amended complies with the statutory provisions in terms of heritage assets, and is in accordance with the NPPF, the Submission Draft Local Plan and the Development Control Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION:

- (i) Permission granted subject to:
 - a) Prior completion of a legal agreement to secure the following obligations:
 - **Affordable housing** – provision of six units on site with a financial contribution of the equivalent of the market value of 0.8 of a dwelling at a standard valuation for the development (index linked) or alternative provision as set out in paragraph 3.2 of the officer's report
 - **Sustainable Travel** – Payment to the first occupier of each residential unit of a an annual bus pass or non-transferable voucher of £400 to be used to purchase a bicycle
 - **Car Club** payment of £6800 (index linked)
 - **Education Contribution** of £750,008.00 was secured by means of Section 106 on the original consent towards educational facilities for nursery, primary and secondary school places within 1.5miles of the development or such other facilities that in the opinion of the council best serve the Development.
 - **Sports Contribution** of £276,189.00 towards procuring the provision of or improvements to sport facilities on the Knavesmire or within 1km from the Development
 - b) The conditions outlined below

- (ii) The Assistant Director for Planning and Public Protection be granted delegated powers to finalise the terms and details of the s106 agreement
- (iii) The Assistant Director for Planning and Public Protection be granted delegated powers to determine the final detail of the planning conditions.

Schedule of conditions:

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

Drawing Refs: 2362-PL-K002D ; 2362-PL-K011B ; 2362-PL-K012B; 2362-PL-K053D ; 2362-PL-K100F; 2362-PL-K101E ; 2362-PL-K102F ; 2362-PL-K103B; 2362-PL-K400F ;2362-PL-K401E .

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.
- 3 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences beyond foundation level and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties
- 4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.
Reason: So as to achieve a visually cohesive appearance
- 5 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works beyond

foundation level. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

- 6 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

- 7 Prior to the commencement of the development a scheme for the provision of electric vehicle charging points within the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and shall retained thereafter.

Reason: To provide facilities for the charging of electric vehicles in accordance with Central Government Policy as outlined in the NPPF along with City of York Council's Low Emissions Strategy.

INFORMATIVE: All electrical circuits/installations shall comply with electrical requirements of BS 1671: 208 As well as conform to the IET Code of Practise on Electrical Vehicle Charging Equipment Installations (2015)

- 8 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include 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. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the residential amenity of neighbouring properties

- 9 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on

Saturdays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason. To protect the amenity of local residents

- 10 The covered and secure cycle parking facilities and storage facilities shall be provided in accordance with the approved plans prior to first occupation of the development hereby approved. The cycle storage shall have lockable doors and the internal space shall have facilities for locking cycles (using Sheffield type stands or similar). The cycle storage area and stands shall be retained thereafter.

Reason: In the interests of visual and residential amenity and to promote sustainable travel in accordance with paragraphs 108 and 127 of the NPPF.

- 11 The building shall not be occupied until the approved the bin storage area has been provided in accordance with the approved drawings and retained thereafter.

Reason To safeguard the residential amenity of neighbouring properties and to secure compliance with paragraph 127f) of the NPPF.

- 12 The development shall not be occupied 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. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which 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 approved 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 in the interests of the character and appearance of the area.

- 13 The foul and surface water drainage system shall be constructed in accordance with the Proposed FW & SW Sewer Infrastructure (Phase 2) Drawing No. D50044 P4 dated 26.10.2016 by Cooper Consulting unless an alternative proposal has been approved in writing by the local planning authority.

Reason:

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 (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:

- i) Sought clarification of the proposed numbers and layout of cycle and vehicle parking;
- ii) Sought the removal of the proposed fifth penthouse storey from the development.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416