

**Date:** 15 October 2020      **Ward:** Guildhall  
**Team:** East Area      **Parish:** Guildhall Planning Panel

**Reference:** 20/00821/FUL  
**Application at:** W L D Textiles Granville Works Lansdowne Terrace York YO10 3EA  
**For:** Erection of 8no. 2, 3 and 4 bedroom dwellinghouses, together with associated parking and landscaping following the demolition of the existing business premises (resubmission)  
**By:** Mr Joe Jackson  
**Application Type:** Full Application  
**Target Date:** 21 October 2020  
**Recommendation:** Approve

## 1.0 PROPOSAL

1.1 The application site is located at the end of Lansdowne Terrace off Lawrence Street, from where vehicular access is taken. The site is enclosed on all four sides by residential properties, generally comprising of two storey terrace properties. To the north, Arthur Street leads to Emily Mews, with Granville Terrace to the west.

1.2 Whilst the immediate area is primarily residential, the wider area particularly to the north is occupied by commercial and industrial businesses.

1.3 The site contains single storey building associated with an existing operational business, WLD Textiles. WLD Textiles is a distributor of furniture DIY and hardware and curtain tracks and accessories with an associated trade counter. The business appears to have been established at Lansdowne Terrace since 1967. It is operational Monday to Friday 08:30-17:00, Saturdays 08:30-12:00 with no trading on Sundays.

1.4 The building is not listed, nor located within a conservation area; however it is in close proximity to an area of archaeological importance. Additionally it is located within flood zone 1, where there is a low risk of river flooding.

1.5 Planning permission is sought for the demolition of the existing business premises and its replacement with 8no. 2, 3 and 4 bedroom dwellinghouses along with parking and landscaping. The application is a resubmission of a previous scheme which was refused by sub-committee in January 2020. There have been no substantial amendments to the arrangement of the dwellings; these will remain as terrace houses in two opposite lines. Units 1-3 along the southern boundary with Lansdowne Terrace and units 4-8 along the northern boundary adjacent to Emily

Mews. Vehicular access will be retained as existing from Lansdowne Road, with part of units 1 and 2 built over. This will lead to the car parking area, with each dwelling other than unit 4 (two bedroom dwelling) having two allocated car parking spaces. This main forecourt area will contain bin stores and cycle parking. Stairs will provide access to the first floor where there will be a cantilevered external amenity space projecting out over the car parking.

1.6 The proposed dwellings are generally all arranged in a similar manner, but the arrangement is subject to the number of bedrooms to be provided; at ground floor level there is secondary bedrooms and bathrooms, first floor is the living accommodation and further main and secondary bedrooms provided at second floor level.

1.7 There have been a number of amendments to the proposals in order to address the reasons for refusal. These are set out below:

1.8 The accommodation mix has been changed; a three bedroomed property (unit 1) has been reduced to form a two bedroom property. The proposed mix of residential units is now 2 x 2 bed, 1 x 3 bed and 5 x 4 bed units. A second floor bedroom within unit 1 has been removed which has enabled its roof height to be lowered.

1.9 Additional information in the form of a rendered 3D image of the view from the ground floor bedrooms has been submitted in order to demonstrate that occupiers would have a view of the sky and this is similar to other development where lower ground floor bedrooms are lit by lightwells. Further details have been provided in respect to the sealing off of the stairwells from the parking area to ensure they received fresh air as well as confirmation that the dwellings will benefit from mechanical ventilation and heat recovery system, ensuring that all rooms would receive the necessary amount of ventilation via a centralised system.

1.10 As well as the above amendments, the application is supported by an employment land statement prepared by Lichfields to address the third reason for refusal relating to the loss of land/building that are currently in employment use.

1.11 There have been no amendments to the termination at the end of Lansdowne Terrace, which the applicants consider is an acceptable and appropriate approach for this location. An updated design and access statement has been submitted in support of the application which includes examples of this form of development in York.

1.12 This application has been called-in by Cllr Fitzpatrick concerned that the scheme will represent overdevelopment and have an impact upon the streetscapes of Emily Mews, Herbert St and Lansdowne Terrace. It will have a too high density and massing and the design will result in a lack of natural light to the ground floor bedrooms of the proposed dwellings. The changes proposed are minimal and the

views of residents and planning committee [January 2020] have not been sufficiently taken into consideration.

## Planning History

1.13 This application is a revised scheme following the refusal of application 19/01393/FUL at Planning Area Sub-Committee on 14 January 2020. The application was refused for the following reasons:

1. The site is constrained by its proximity to neighbouring properties. The position and orientation of unit 1, its proposed increase in height over and above the existing buildings on the site, would have an overbearing and domineering impact to the rear of properties at Granville Terrace (notably No's 24-25) harming the residential amenity of the occupiers of those properties contrary to paragraph 127 (f) of the National Planning Policy Framework (NPPF) and policy D1 of the City of York Council Publication Draft Local Plan (2018).

2. The amount of development is considered to be too great for this constrained site and has resulted in a form of development that does not respect local form and character. The dwellings at units 1 and 2, positioned along the southern boundary of the site adjacent to Lansdowne Terrace are designed with a link over the vehicular access. By virtue of its scale and height, the large expanse of brick and termination at the end of the street, the design of the proposed buildings when viewed from Lansdowne Terrace are considered to be unsympathetic to the character and appearance of the area contrary to draft policy D1 (Placemaking) of the City of York Council Publication Draft Local Plan (2018) and paragraph 127 of the National Planning Policy Framework (NPPF).

3. The application does not provide an objective assessment demonstrating that the loss of land/buildings that are currently in employment use are no longer viable in terms of market attractiveness and appropriate for employment uses contrary to the City of York Council Publication Draft Local Plan (2018) policy EC2 Loss of Employment Land and paragraph 80 of the National Planning Policy Framework (NPPF) which supports economic growth and productivity.

4. The amount of development is considered to be too great for this constrained site and has resulted in a form of development that is compromised in terms of residential amenity and would not provide a high standard of amenity for future users. The proposed dwellings have been designed with bedrooms at ground floor level, adjacent to the car parking areas, and with a cantilevered canopy projecting over the car parking. This arrangement is considered to have a detrimental impact upon the residential amenity of future occupiers using the ground floor bedrooms, by virtue of outlook, daylight and sunlight and air circulation contrary to draft policies D1 (Placemaking) and ENV2 (Managing Environmental Quality) of the City of York Council Publication Draft Local Plan (2018) and paragraph 127 (f) of the National Planning Policy Framework (NPPF).

## **2.0 POLICY CONTEXT**

### Publication Draft Local Plan (2018)

EC2	Loss of Employment Land
H2	Density of Residential Development
H3	Balancing the Housing Market
D1	Placemaking
D6	Archaeology
CC1	Renewable and Low Carbon Energy Generation and Storage
CC2	Sustainable Design and Construction of New Development
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV5	Sustainable Drainage
T1	Sustainable Access

### Development Control Local Plan (2005)

GP1	Design
GP4	Sustainability
T4	Cycle Parking Standards
H4a	Housing Windfalls
E3b	Existing and Proposed Employment Sites

## **3.0 CONSULTATIONS**

### Public Protection Unit (PPU)

3.1 PPU have considered the application in terms of environmental impacts.

3.2 Noise- the site is located adjacent to existing residential premises and therefore as the proposed use of the site will be for residential, no operational issues would arise.

3.3 Construction Noise and Dust- recommend a Construction Environmental Management Plan (CEMP) to minimise noise, vibration and dust during demolition and construction on nearby residential properties.

3.4 Air Quality- recommend passive provision for Electric Vehicle Recharging Point (ERVP) with the development incorporating sufficient capacity within the electricity distribution board for the future addition of an EVRP.

3.5 Contaminated Land- the supporting EnviroSmart Plus report dated May 2019 shows that the site has previously been used as a brick and tile works, lemonade works, textiles works and DIY hardware store. A number of closed landfill sites are located within 250m of the site. There is therefore the potential for land contamination to be present at the site and the supporting report has been assigned

a moderate overall risk. A phase 2 intrusive site investigation is therefore needed to find out if contamination is present, and if contamination is found, appropriate remedial action would be required.

#### Highways Network Management

3.6 The revised layout agreed under 19/01393/FUL has been preserved and therefore raise no issue with parking provision and access design. Issues in respect to walking and cycling connectivity remain, it would be of benefit to provide an alternative access to/from Arthur Street to link to the cycle route network at St Nicholas Fields.

#### Design, Conservation and Sustainable Development (DCSD) (Archaeologist)

3.7 The site is located outside the Area of Archaeological Importance close to the line of a Roman road and in an area which contains Roman, medieval and post-medieval archaeology. Significant archaeological deposits and features are known to survive on either side of Lawrence Street including the site of St Edwards Church and cemetery at the bottom of Lansdowne Terrace.

3.8 As the site is set back from the line of Lawrence St and has seen a degree of disturbance with the construction of the extant buildings, a watching brief will suffice as mitigation for any impact to archaeological deposits.

3.9 All groundworks and grubbing up of foundations will require archaeological monitoring.

#### Lead Local Flood Authority (LLFA)

3.10 No objections to the development in principle but suggest conditions in order to protect local aquatic environment and public sewer network.

#### Yorkshire Water

3.11 The developer is proposing to discharge surface water to public sewer, however they are required to follow surface water disposal water hierarchy. The drainage details requires amendments.

#### Guildhall Planning Panel

3.12 The site is overdeveloped and the proposed buildings are too high and out of scale to the surrounding area. We note that the outdoor amenity space is inadequate particularly for the larger dwellings.

## **4.0 REPRESENTATIONS**

4.1 The application was advertised by neighbour notification. A total of 16 letters of objection have been received citing the following concerns:

Impact on residential amenity of neighbouring properties

- overlooking/maintaining privacy
- loss of light
- views of large expanses of brick

Design

- buildings are inappropriately high and above the ridgeline of neighbouring properties including chimney stacks
- out of place in the centre of traditional terraced areas
- fails to improve the character and quality of an area
- fails to address massing, scale and height and large expanse of brick termination at the end of the street
- dispute the relevance of the examples of design precedents within York included within the application

Impact on proposed residents

- properties will overlook bin stores and car parking
- does not provide good quality family accommodation
- site is overdeveloped
- provides substandard amenity space for residents
- lack of natural light and ventilation to some rooms particularly the ground floor bedrooms

Use for housing

- increase in noise levels
- will use for family housing be imposed as a covenant to avoid houses of multiple occupancy and/or student housing

Access/Highways

- parking on Lansdowne Terrace could affect access to the development

Noise and Construction

- increase noise levels from construction
- Party Wall issues not addressed
- Would not meet Building Regulations (part J- distance from flue outlet)
- impact on neighbouring businesses from loss of revenue
- Demolition of boundary wall to 21-25 Granville Terrace unacceptable
  
- the scheme remains largely unchanged from the previous refused scheme and the amendments do not address the previous concerns
- fails to evidence appropriately that the site has been marketed and tendered for employment use
- fails to address ecology issues

- new tunnel entrance from Lansdowne Terrace raises security and crime issues and will highlight disparity by creating a divide among an integrated community
- security issues from boundaries
- residents have not been consulted in any meaningful way during planning process
- fails to address equality issues
- inaccuracies contained in application submission
- Impact upon Emily Mews- noise, pollution, loss of privacy, increased congestion, increased litter/dog fouling, and Emily Mews used as a cut through area

## **5.0 APPRAISAL**

### 5.1 Key Issues:

- Loss of Employment Land and Principle of Residential Use
- Density
- Design
- Residential Amenity
- Highways and Parking
- Sustainability
- Landscaping and Trees
- Land Contamination
- Ecology
- Archaeology
- Drainage and Flood Risk
- Construction Impacts

### National Planning Policy Framework (NPPF) 2019

5.2 The revised NPPF (2019) sets out the government's planning policies for England and how these are expected to be applied.

5.3 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. Paragraph 14 advises that at the heart of the Framework there is a presumption in favour of sustainable development.

5.4 Section 5 of the NPPF supports the Government's objective of significantly boosting the supply of homes. The size, type and tenure of housing need for different groups in the community should be assessed and reflected in housing policies (paragraph 61 of the NPPF). Paragraph 63 of the NPPF states that affordable housing should not be sought for residential development that are not major developments.

5.5 Section 6 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development. Other relevant sections of the Framework that are relevant to this application include: section 5: Delivering a

sufficient supply of homes, section 6: Building a strong, competitive economy, section 9: Promoting sustainable transport; section 11: Making effective use of land, section 12: Achieving well-designed places and Section 15: Conserving and enhancing the natural environment.

### Publication Draft Local Plan (2018)

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

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

5.8 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. Of relevant to this application, the evidence base includes:

- Strategic Housing Market Assessment (SHMA) (June 2016)
- Strategic Housing Market Assessment Update (SHMA) (2017)
- Strategic Housing Market Assessment Addendum (June 2016)

5.9 The SHMA provides an assessment of future needs for both market and affordable housing and the housing needs of different groups within the population. There is a need for different sized homes across York.

### Development Control Local Plan (2005)

5.10 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations and can be afforded very little weight in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

## ASSESSMENT

### Loss of Employment Land and Principle of Residential Use

5.11 The site is in employment use. The Framework (para 80) places great weight on the need to support economic growth and productivity.

5.12 Where proposals involve the loss of land and/or buildings which are either identified, currently used or were last in use for employment uses, draft policy EC2 expects developers to provide a statement to the satisfaction of the Council demonstrating that: i. it is demonstrated that the existing land or buildings are not viable in terms of market attractiveness, business operations, conditions and/or compatibility with adjacent uses; and ii. it would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period. The Council will expect the applicant to provide evidence of effective marketing of the site/premises for employment uses for a reasonable period of time and where the applicant is seeking to prove a site is no longer appropriate for employment use because of its condition, they are expected to provide an objective assessment of the shortcomings that demonstrates why it is no longer appropriate for employment use.

5.13 The applicant maintains and reinforces the operational shortcomings and addresses the issues of whether the site is necessary to meet employment needs during the plan period through a Briefing Note (dated 4 May 2020). The applicant understands that the site had formed part of the Granville Terrace Brick and Tile Works dating from the late 19<sup>th</sup> century. It comprises of several buildings, arranged in a courtyard of various age and construction and their age, specification and location of the buildings on site make this an unattractive employment location.

5.14 It is maintained by the applicants that the existing buildings on-site are not attractive as sellable/lettable premises; they are in a poor condition and are not laid out that would meet the needs of a modern business; the applicant cites that the existing roofs leak badly and an asbestos survey indicates there are numerous instances of materials likely to contain asbestos. Its location within a residential setting is considered to make it incompatible with many potential employment uses, including those that result in any industrial processes that creates noise or fumes. Additionally, there are no turning facilities for large delivery vehicles, accessed via small residential roads.

5.15 The applicant, within their Briefing Note, set out that the Council's Publication Draft Local Plan allows for a generous supply of employment space relative to demand forecasting, which includes an allowance to replace the loss of existing premises.

5.16 It is acknowledged that the existing business is located within an area surrounded by residential properties, which can limit future business operations (in terms of noise, fumes, smells and access) and the condition of the buildings are such that they are not suitable for continuing employment uses without significant modernisation and investment. Furthermore, the site is not a strategic site or other site which is earmarked for employment uses as outlined in draft policy EC1 of the 2018 Draft Plan, where 38 hectares of employment land is required during the plan period. The loss of the application site comprising of 980sqm (0.098 hectares) of employment land is not considered to have a significant impact upon the employment needs of the City where other sites have been identified to meet this

requirement. It is considered that the site, for the reasons outlined above, is no longer suitable for employment use, with the requirements of draft policy EC2 of the 2018 Draft Plan satisfied.

5.17 Further the NPPF (section 11) promotes an effective use of land in meeting the need for homes and other uses. Paragraph 118 (c) of the Framework sets out that substantial weight should be given to the value of using suitable brownfield land within settlements for homes as well as (d) which promotes and supports the development of under-utilised land and buildings which would help to meet identified need for housing where supply is constrained and available sites could be used more effectively. This is in addition to section 5 of the Framework that supports the Government's objection of significantly boosting the supply of homes. Paragraph 68 of the Framework highlights the important contribution that small and medium sized sites can make to meeting housing requirement of an area, and are often built out very quickly.

5.18 Residential uses surround the application site and the site is in a sustainable location with easy access to the city centre. It is considered that residential use would be an appropriate land use that would be compliant with the existing land use surrounding the site with access to transport routes and local shopping facilities.

5.19 The application seeks to provide 2 x 2 bed, 1 x 3 bed and 5 x 4 bedroom dwellings. The Strategic Housing Market Assessment states there is a requirement for all property sizes, with a greater need for 2 and 3 bedroom properties at market level, however there is still a requirement for 4 bedroom plus properties and one bedroom properties. Consideration has been given to the existing residential use of the area, and the potential to provide outside amenity areas along with the requisite parking for the size of the dwellings and as such the mix of accommodation across the site is considered appropriate in this regards. As the size of development falls below the 10 dwelling threshold, there is no requirement to provide any affordable housing contribution.

5.20 Objections have been raised requesting a covenant to restrict the uses as houses of multiple occupancy and/or student housing. The application specifies the development will be within the C3 dwellinghouse use class and therefore any subsequent material change of use would be subject to separate applications.

### Density

5.21 The NPPF sets out in paragraphs 122 - 123 that planning policies and decisions should support development that makes efficient use of land. Developments are expected to make optimal use of the potential of the site. There are no proposed changes to the amount of dwellings to be provided on site under this application and thus the scheme will continue to provide a density of 81.6 unit/ha. The site is located within the 'City Centre and City Centre Extension Zone' as defined by Figure 5.2 of the 2018 Draft Plan. Draft policy H2 expects housing developments in this density zone to achieve a net density of 100 units/ha. Policy

H2 is the Council's up to date density policy which accords with the NPPF. This policy states that delivering densities that support the efficient use of land requires good design that responds to its context, an appropriate mix of house types and should be informed by the local character of the area.

5.22 As with the previously refused scheme, in terms of the density, the application would fall short of achieving the densities set out in draft policy H2 of the 2018 Draft Plan. Consideration has been given to local context and development type and taking these factors into account the development would make an efficient use of land. Whilst a greater density level could also be sought, this could have implications to the local context and design and neighbour amenity.

### Design

5.23 The site is located outside any conservation area and there are no listed buildings present on or adjacent to the application site. NPPF paragraph 127 seeks to ensure that developments function well and add to the overall quality of the area. They should also be sympathetic to local character and history, although this should not be at the expense of preventing or discouraging appropriate innovation or change.

5.24 To the south (Lansdowne Terrace), west (Granville Terrace) and east (Herbert Street) the existing form of development follows a similar character of terrace houses with varying rear off-shoots and varying degrees of external amenity space and on-street parking. They are generally uniform in appearance however there is slight variation throughout these streets by virtue of varying roof heights and eaves levels, and detailed design to windows and other openings. In contrast, the properties along Emily Mews are more recent and have a more modern appearance, albeit taking the form of semi and terrace properties; however they provide off-street car parking and private rear gardens.

5.25 Neighbours have objected to the current application, stating that the revised application fails to address massing, scale and height and that the site is constrained and too small for a development of this size. There have been no amendments to the arrangement of the dwellings; these will remain as terrace houses in two opposite lines with the general design of the proposed dwellings are as per the previous refused scheme.

5.26 It is considered that the application's design, creating a new interpretation on the traditional terrace illustrates that the proposed development could be accommodated within the site, with the ability to achieve appropriate density whilst providing family sized dwellings with adequate parking and private amenity facilities.

5.27 The dwellings broadly align with adjoining properties; eaves levels remain consistent with surrounding properties and the dwellings generally reflect the character of the area in this regard; not all the surrounding terrace properties are uniform in appearance. Concern is raised from objectors that the roofs would be

dominant feature, whilst roof heights are higher they take an asymmetrical form and propose a slate finish, and the view from street level would be appropriate. These aspects of the proposed development, in the opinion of officers remain acceptable.

5.28 However, the reason for refusal (no. 2) does set out particular concern of the sub-committee in respect to the link over the vehicular access at units 1 and 2, that it does not respect local form and character. There is a current termination at the end of Lansdowne Terrace with the existing business site providing gated access and an internal courtyard which reinforces the separation from surrounding residential properties. Lansdowne Terrace is a narrow street and there is only 9.5m (approx.) between properties. There have been no amendments to the design of the termination at the end of Lansdowne Terrace and the link would have a large expanse of brick, with only relief from two windows. The detailing in this elevation is minimal and as it would be positioned close to the first floor facing windows of Nos 15 and 16 Lansdowne Terrace it presents a more oppressive enclosure to the end of the street.

5.29 The applicant has stated that there is a current termination at the end of Lansdowne Terrace with the existing site providing gated access and an internal courtyard which reinforces the separation from surrounding residential properties, and the continuance of this is considered to be an acceptable approach and appropriate for this location. Additionally they have included examples of precedents for this form of development across York within the Design and Access Statement.

5.30 The proposed approach to continue a termination at the end of Lansdowne Terrace establishing the existing traditional terrace properties with the new development is considered appropriate for this location. The link over the vehicular access design offers advantages in delivering much needed family housing on the site, with requisite parking and amenity areas, whilst not affecting existing site access. Officers note that the site is small and constrained and there is already an impact arising from the narrow separation between properties. It is maintained that this aspect of the scheme represents a positive and innovative design contribution and would comply with the local and national planning policy in this regard, including para. 127 of the Framework that seeks to ensure that developments are sympathetic to local character and history, whilst not preventing or discouraging appropriate innovation or change (such as increased densities).

### Residential Amenity

5.31 NPPF paragraph 127 places a particular focus on creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Additionally, para. 180 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Draft

Local Plan Policy D1 Placemaking will support development proposals where they improve poor existing urban and natural environments and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

- Privacy

5.32 The development is arranged with two rows of terraced dwellings; one at the north and one at the southern end of the site. To the north, the 5 dwellings will have their main outlook over Emily Mews. Emily Mews is a private road accessed from Arthur Street leading to a cul-de-sac and 5 semi-detached properties positioned to the north west of the application site. There are no properties on Emily Mews that would be positioned directly adjacent to the proposed dwellings to the northern edge of the site. Beyond Emily Mews is a storage warehouse on Charlotte Street. Given the angle towards existing properties along Emily Mews, it is unlikely that any adjacent properties along Emily Mews would result in a loss of privacy arising from the proposed dwellings in a northerly direction.

5.33 The row of dwellings would be built against the party wall of No. 10 Arthur Street and thus would not give rise to any overlooking in an easterly direction, however to the west, the row of dwellings terminates at the edge of the application site which abuts the gardens of No. 8 and 7 Emily Mews. This dwelling, Unit No. 4 is two storeys in height and the plans do not indicate any side windows or opening within the dwelling, avoiding any privacy issues. Nor are any windows proposed in the western side elevation of Unit No. 5, which as a three storey property would be visible above the lower dwelling (Unit No. 4). A condition will ensure that windows and other openings are restricted in the western side elevation of either Unit 4 or Unit 5. As such the privacy of the occupiers of No's 7 and 8 Emily Mews would be maintained.

5.34 In respect to the proposed dwellings positioned on the southern boundary of the site, these would be attached to the party walls of No's 15 and 16 Lansdowne Terrace; kitchen windows at first floor level would be positioned with an outlook over the public highway of Lansdowne Terrace. Additionally, unit No. 3 contains a side window that would have an outlook over Herbert Street and close proximity to No. 10 Herbert Street. It is acknowledged that given their position and proximity to No's. 15 and 16 Lansdowne Terrace and No. 10 Herbert Street that these windows could create some additional overlooking, however the angles are acute. It is considered that the windows could be obscurely glazed, and the open plan kitchen and living accommodation on the first floor is served by large opening and windows on the northern elevation, overlooking the courtyard/amenity areas and thus would not detrimentally impact upon the residential amenity of occupiers of the proposed units. The applicant has stated that these windows would benefit being opened for ventilation purposes and thus could be bottom hung tilting windows with window restrictors to restrict their opening to 100mm so they would not significantly increase overlooking in this regards. A condition to this effect would be attached to any

approval and subject to such condition, it is not considered that the scheme would significantly increase overlooking in this regard.

5.35 Both of the rows of proposed dwellings have their main windows for light and outlook facing within the site with a separation distance of 18m; over the car parking and external amenity areas and would result in a mutual level of overlooking, which is considered to be acceptable in this site.

5.36 There is concern that the external amenity areas given their elevated position on the first floor would enable users to overlook rear gardens to properties along Granville Terrace, No. 10 Arthur Street and No. 10 Herbert Street. Part of the buildings associated with the existing site offer substantial boundary treatment to these properties. The application proposes boundary treatment that indicates a replacement wall, up to 2.5m in the area between the garden decks, and would be predominately positioned along the shared boundary with No. 22 Granville Terrace and partially No's. 21 (A, B and C) and 23 Granville Terrace and No. 10 Arthur Street and No. 10 Herbert Street. Where there is the garden decks, there will be a further wall built up to 4.3m high in total. This allows for a high wall of 1.8m high to be positioned above the garden decks, in order to preserve the privacy of neighbouring occupiers. The plans detail that this part of the boundary treatment will be constructed using relief pattered brickwork, in order to reduce its oppressive nature. The boundary treatment proposed along these shared boundaries is considered to be acceptable and would help preserve the privacy of neighbouring occupiers, whilst also offering some benefits in terms of dominance and overshadowing from what is currently experienced.

- Overshadowing/loss of light

5.37 The application is supported by a sun study using guidelines set out in the BRE document, 'Site Layout Planning for Daylighting and Sunlight: A guide to good practice'. Additionally, the sun study has been updated to include the recently constructed building at 21 Granville Terrace which provides 3 flats (A, B and C). It is considered that the most affected property in terms of overshadowing would be No. 8 Emily Mews. This property has a current separation distance of 6m from the application site boundary. Pedestrian access can be taken from both main elevations of the property, from Emily Mews and Granville Terrace, however vehicular access is taken from Granville Terrace. Internally the property is arranged with the kitchen positioned facing Granville Terrace and living room facing out towards the application site.

5.38 The existing site is occupied by a number of buildings, built up to the site boundaries, so it extends beyond the boundary of No. 8 and across the boundary of No. 7 Emily Mews. The building is single storey with an eaves height of 2.7m. The proposed row of terraces and specifically Unit No. 4 (house type D) has been designed with a setback of 2.5m from the current position of the building and eaves height reduced to 1.8m and a 40 degree pitch rather than a steeper 25 degree pitched roof.

5.39 The sun study has been assessed and the results suggest that No. 8 and to lesser extent No. 7 Emily Mews will be mostly affected in the morning period and it will be the garden area that will be affected. As such, given the results of the sunlight study and the reduction to the extent of massing along this part of the site boundary, it is considered that the impact to No. 7 and 8 Emily Mews would be acceptable.

5.40 To the west of the site are properties located on Granville Terrace; the site abuts the rear gardens of Numbers 21 (A, B and C), 22, 23, 24 and 25. It is noted that the building at No. 21 Granville Terrace has been extended to form a residential property containing three flats; two x one bedroom flats on the ground floor and 1 x two bedroom flat on the first floor. It is positioned 3.8m (approx.) from the existing boundary wall with the application site. The boundary treatment to the garden deck along this western boundary will be 3.8m high, however the existing buildings positioned along this boundary are higher. The rear elevation of No. 21 Granville Terrace at first floor level contains an obscured window serving a bathroom as well as a bedroom window. Given the relationship with the dwelling to the application site and existing buildings contained within it, there is a neutral impact to this dwelling. The impact to neighbouring rear gardens at Granville Terrace arising from the proposed boundary treatment and the loss of the existing buildings within the site are likely to result in a greater degree of overshadowing in the morning to the rear gardens, but again would result in a neutral impact, given what will be removed.

5.41 One of the reasons for refusal on the previous scheme related to the position and orientation of unit 1, and its proposed increase in height over and above the existing building on the site and would result in an overbearing and domineering impact to the rear of properties at Granville Terrace (notably No's 24-25). There has been some modifications made to unit 1, with a second floor bedroom removed which has enabled its roof height immediately adjacent to the Granville Terrace properties to be lowered. Whilst there remains a second floor element of this property, this is set back by 3.5m (approx.) from the shared boundary with the neighbouring properties on Granville Terrace. It is considered that the reduction in height and the set back to Unit 1 would result in the resultant building to be generally similar in size and scale to the existing buildings on site, and any impacts in respect to overbearing and dominance would be significantly reduced to such an extent that they would be similar to the existing relationship of building on the site with neighbouring properties. Officers therefore consider that the amendments made to Unit 1 are sufficient to address the reason for refusal (No. 1).

- Residential amenity of future occupiers

5.42 The fourth reason for refusal of the previous application relates to the residential amenity of future users, citing that the form of development would not provide a high standard of amenity. The reason for refusal focuses upon the ground floor bedroom positioned adjacent to car park areas and cantilevered canopy projecting over the car parking. This arrangement was considered to detrimentally

impact upon outlook, daylight and sunlight and air circulation and these shall be considered in turn. It is noted that the internal arrangement of the proposed dwellings have not altered and the layout remains as per the original scheme, and in most cases the properties (subject to specific house type) are arranged with bedrooms on the ground floor, living accommodation (including kitchen) on the first floor and further bedrooms on the first floor.

- outlook

5.43 The bedrooms located on the ground floor and facing into the site would be served by two windows, an additional window introduced in the previous application to improve daylighting to the ground floor bedrooms. One of the windows to the bedrooms (other than Unit 3) would be enclosed within the stairwell (to provide adequate ventilation). The applicants have updated the Design and Access Statement to include views from bedrooms via the lightwell staircases and consider that the views will provide a view of the sky, together with middle distance views of the houses opposite. There will be the remaining window serving the bedroom that would have an outlook over the car parking area. In respect to Unit 3, the two ground floor bedrooms facing into the site and car parking areas with only one of the bedrooms served by the stairwell enclosure; however there is a cut out in the cantilevered canopy adjacent to the party wall with No. 10 Herbert Street to provide a light well, which will also provide an outlook. The applicant identifies developments completed in York, notably apartments at St Leonard's Place where lower ground floor bedrooms are lit by lightwells and considers that this scheme will provide similar outlook.

5.44 In addition, the applicant has compared views from the proposed development with views from adjacent properties on Herbert Street and Arthur Street. This assessment identifies that the views are similar.

- daylight and sunlight

5.45 It is noted that the previous application inserted additional windows to serve the ground floor bedrooms to improve light levels. An assessment of daylight levels to the ground floor windows has been undertaken. The Average Daylight Factor assesses the level of light inside a building in line with the guidelines set out in the BRE document, 'Site Layout Planning for Daylighting and Sunlight: A guide to good practice'. As with the previous application, each bedroom located on the ground floor would achieve the ADF recommendation set out in the BRE document and therefore it is demonstrated that all the ground floor bedrooms to the proposed development are likely to receive adequate light levels.

- air circulation

5.46 The applicant sets out that the dwellings will benefit from mechanical ventilation and heat recovery system ensuring that all rooms will receive the necessary amount of ventilation via a centralised system. This is required to comply

with Building Regulations. The stairwells will be sealed off from the parking areas so that any additional air accessed from the lightwells will be fresh air.

5.47 Given the additional information provided by the applicant, it is considered that in respect to the living conditions of future residents, the dwellings and in particular the positioning of bedrooms within the ground floor areas would provide a high standard of residential amenity in terms of outlook, daylight and air circulation, addressing the previous reason for refusal (No. 4).

5.48 In other aspects related to the residential amenity of proposed occupiers, all of the dwellings will provide living accommodation over two or three floors and will provide an adequate internal floorspace.

5.49 Notwithstanding the issues raised above in respect to the specific issues relating to the ground floor bedrooms, the dwellings will have an acceptable outlook, and benefit from natural daylight and ventilation; the dwellings positioned to the northern edge of the site will be dual aspect, however due to the relationship with adjoining neighbouring properties, the dwellings to the south of the site will primarily have single aspect overlooking the car parking and external areas.

5.50 The design has been able to incorporate both car parking and an external amenity area. This is a particular benefit given the size of the dwellings, which are likely to appeal to families.

#### - Noise

5.51 Objectors have raised issues in respect to increase in noise to surrounding existing residential occupiers. The application site is relatively small in size and as it indicates it will accommodate 8 additional residential dwellings of varying sizes, this is not considered to be such a level that would generate significant noise levels through comings and goings or the use of external spaces. It is considered that as this is primarily a residential area, the use of the external amenity areas in a similar manner to existing neighbouring properties would not be detrimental to their residential amenity.

#### Highways and Parking

##### - Accessibility

5.52 Draft policy T1 (Sustainable Access) supports development where it minimises the need to travel and maximises the use of more sustainable modes of transport. The site is in an accessible location.

5.53 The access through to the parking court from Lansdowne Terrace is in line with the highway standards with the archway providing adequate clearance. The development will not be gated to the entrance off Lansdowne Terrace, satisfying the other concerns raised by Highway Network Management.

## - Car Parking

5.54 The level of car parking has not altered from the previous scheme. 15 car parking spaces will be provided in total with all three bed dwellings having two allocated car parking spaces. There has been a reduction in the number of three bedroom dwellings, with unit one reducing to a two bedroom dwelling, however the proposal seeks to retain the same level of car parking (2 spaces) for this dwelling. The other two bedroom dwelling will have one allocated car parking space. This would result in a slight overprovision of parking in respect to the guidelines set out in the Council's Parking Standards (Appendix E) accompanying the DCLP 2005. During the previous application the visitor space had been removed from the site, and it is considered that one of the car parking spaces serving unit one could be used as a visitor space to readdress the imbalance in parking overprovision. This could be secured by condition.

## - Cycle Parking

5.55 In respect to cycle parking, the proposed plans indicate 8 separate cycle stores consisting of Sheffield style racks (providing storage for two bikes each), equating to storage for 16 cycles storage spaces in total. This meets the Council's standards. Whilst this does not comprise of individual cycle stores within the curtilage of the dwellings as recommended by the Highways Officer, these areas are already required to provide other important stores such as waste/recycling facilities which are, on balance, more suitable to be provided for each individual dwelling, rather than as a communal store. Further details can be secured by condition to ensure that the cycle stores are deep enough to accommodate two bikes.

## - Access to cycle networks

5.56 All pedestrian access will be through the main entry from Lansdowne Terrace other than individual access to the individual properties on the northern edge of the site (Units 4, 5, 6, 7 and 8) from Arthur Street. The Highways Officer has raised concerns that there is no access through the northern part of the site for the remaining residents to access the existing cycle network on Bull Lane and the open space at St Nicholas Field. The applicant has advised that the creation of a cut-through alley would result in smaller dwellings, to the detriment of the prospective occupiers, where space in the city centre is at a premium. Additionally, the increase in pedestrian and cycle traffic using the footpaths within the site and adjoining Arthur Street could be detrimental to residential amenity to the occupiers of properties that adjoin the site. Consideration is given to security aspects of providing an alley-way which may conflict with creating a safe development that does not undermine the quality of life for prospective residents.

## Sustainability

5.57 Publication Draft Local Plan policies CC1 (Renewable and Low Carbon Energy Generation and Storage) and CC2 (Sustainable Design and Construction of New Development) seek to achieve high levels of sustainable design and construction. The applicant have confirmed that the principles of policies CC1 and CC2, the minimisation of greenhouse gas emissions and the use of resources efficiently will be employed during the construction of the development. The applicant has agreed to a condition requiring details to be submitted that sets out how the design and construction of the development will achieve the requirements of policies CC1 and CC2.

- Bin/Waste storage

5.61 Each property will have individual bin stores below the stair access to the first floor and adjacent the car parking spaces. A condition shall ensure that the area is suitable size for the bins and boxes required for each material waste.

- Electric Vehicle Recharging Points

5.58 Paragraph 110 e) of the NPPF states that developments should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The City Council has an adopted Low Emissions Strategy (2012), which aims to facilitate the uptake of low emission vehicles in York. It identified that development for new houses with allocated off-street parking should provide 100% passive provision. Passive provision is defined as sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharging Point (EVRP) (minimum 32A) with the garage space or parking area. The application details the location of each future EVRP within the site boundary and are amenable to a condition to secure this and to ensure that necessary trunking/ducting is in place to enable cables to be run to the specified locations.

### Landscaping and Trees

5.59 The scheme incorporates outside amenity spaces; whilst this will be artificially created and unlikely to support large trees, there would be opportunities for occupiers to provide soft landscaping to these areas. There are trees within the application site, whilst there some trees positioned to northern boundary on Emily Mews, adjacent the turning head, these are located outside the application site and would not be impacted upon by the development. There will be some soft landscaping to the front areas of the properties positioned on the northern boundary and a condition shall ensure that an appropriate scheme is designed and installed.

### Land Contamination

5.60 Section 15 of the NPPF seeks to conserve and enhance the natural environment with paragraphs 178 -183 discusses ground conditions and pollution. Paragraph 178 sets out that planning decisions should take into account ground

conditions and any risks arising from land instability and contamination with the responsibility for securing a safe development rests with the developer and/or land owner (para. 179).

5.61 Historically, there have been wide ranging different uses for the site and there are closed landfill site located within 250m of the site and thus there is potential for land contamination to be present. A supporting report sets out that there is an overall moderate risk of land contamination being present on site. It is agreed that a more intrusive site investigation (phase 2) is required to established whether contamination is present and remedial action would be required. Conditions are considered appropriate to secure this.

### Ecology

5.62 Previous concerns were raised citing that there is evidence of the presence of bats within the vicinity of the site. The previous advice of the Council's Ecologist remains relevant, and advised that whilst the site is located within 200m of St Nicholas Fields Local Nature Reserve where bat activity has been observed in the general area and provides good bat foraging habitat, the construction and condition of the buildings, being in a poor state with damp and broken roof panels would reduce the likelihood of bats using them for roosting. It is therefore not considered that it would be proportionate to require bat surveys. In order to enhance biodiversity as required by paragraph 175 of the NPPF, the development could incorporate biodiversity features and the applicant shall be advised of this via informative.

### Archaeology

5.63 Whilst the site is not located within the Area of Archaeological Importance it does lie close to the line of a Roman road and in an area which is known to contain Roman, medieval and post-medieval archaeology. As such, the archaeological features and deposits on the application site are undesignated heritage assets. Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.64 The site is set back from the line of Lawrence Street and has seen a degree of disturbance with the construction of the extant buildings. A watching brief and archaeological monitoring of all ground works and grubbing up of foundations is recommended in order that any archaeological deposits are recorded during the construction programme. Any harm to non-designated heritage assets (archaeological features and deposits) would be mitigated though the condition and the application is considered to comply with paragraph 197 of the NPPF.

### Drainage and Flood Risk

5.65 The site is in Flood Zone 1 where there is a low risk of flooding. The site is already covered by existing buildings and impermeable areas and therefore any increase from surface water is likely to be negligible. The Lead Local Flood Authority (LLFA) do not raise any objections to the development in principle and it is considered that conditions can be imposed to ensure that a drainage scheme can be agreed prior to development commencing.

### Construction Impacts

5.67 The site abuts neighbouring residential properties and is located within a predominately residential area. It is noted that there is primarily two vehicular access points (Lansdowne Terrace and Emily Mews) if the site is opened up, available for construction access, however this requires access through residential streets. There is concern raised by objectors, and Public Protection that the demolition and construction of the proposed development will have a detrimental impact upon neighbouring occupiers. Whilst there are other legislation and specific controls outside planning legislation that can appropriately manage construction impacts, given the above constraints it is recommended that any approval is supported by a construction environmental management plan (CEMP) in order that noise, vibration and dust can be appropriately minimised and managed during demolition and construction.

## **6.0 CONCLUSION**

6.1 The site is previously developed land, sustainably located close to the city centre and a high frequency public transport corridor. The NPPF promotes the effective use of land in meeting the need for homes and other uses, in addition to the Government's objective of significantly boosting supply of homes. The dwellings to be provided will provide an appropriate density for this location, and provide family sized homes to meet demand.

6.2 The application has been in part revised and additional information submitted in support of the revised scheme. On balance, the loss of employment land and buildings is acceptable, due to the existing condition of the buildings on the site and the compatibility of industrial uses/processes within a residential setting. Further, the loss of this employment site is not considered to result in a significant impact upon the employment needs of the City, where other sites have been identified to meet this requirement. As such, it is considered that the application meets the requirements of draft policy EC2 of the 2018 Draft Plan.

6.3 In respect to the impact of neighbouring properties, the revised application has modified Unit 1, removing a second floor bedroom and resulting in the lowering of the roof immediately adjacent to Granville Terrace, notably No's. 24-25. The set back of the second floor element by 3.5m would result in the proposed building being generally similar in size and scale to the existing buildings on site and not unduly overbearing.

6.4 The application has been informed by sun assessments, further information in respect to ventilation and detailing as to how the stairwells will be sealed off from the parking area and visualisations of the outlook from ground floor windows. It is considered that the information provided demonstrates that the arrangement of the proposed dwellings will provide an acceptable standard of residential amenity for the proposed occupiers, in terms of daylight and sunlight, outlook, and ventilation that would be acceptable and meet the requirements of draft policies D1 (Placemaking) and ENV2 (Managing Environmental Quality) of the City of York Council Publication Draft Local Plan (2018) and paragraph 127 (f) of the National Planning Policy Framework (NPPF). As well as addressing the above issues in respect to the standard of residential amenity the proposed dwellings will provide adequate parking, cycle parking, bin and recycling storage areas and external spaces.

6.5 The application, subject to appropriate conditions, satisfies other aspects in terms of highways and parking, ecology and archaeology. It is considered that the proposed scheme would not have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations.

## **7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

PL02 B Block Plan- Ground Floor; PL03 B Block Plan- First Floor; PL04 B Block Plan- Second Floor; PL05 C Block Plan- Roof Level; PL06 E Streetscapes/Site Sections; PL19 Streetscapes/Site Sections Sheet 2; PL07 B Housetype A; PL08 B Housetype B; PL09 B Housetype C; PL10 B Housetype D; PL11 B Housetype E; PL12 B Housetype F; PL13 B Proposed Site Plan; PL14 C Boundary Treatment Drawing; PL18 C Indicative Drainage Layout; PL20 Stair Entrance

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

3 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 plan, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: The development comprises of demolition and construction in a site that is bounded with residential properties. A CEMP will help to minimise and reduce any construction impacts, protecting the residential amenity of neighbouring occupiers.

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

Monday to Friday      0800 to 1800 hours  
Saturday                0900 to 1300 hours  
Not at all on Sundays and Bank Holidays

Reason: The development comprises of demolition and construction in a site that is bounded with residential properties. Construction hours will help to minimise and reduce any construction impacts, protecting the residential amenity of neighbouring occupiers.

5 LC1 Land contamination - Site investigation

6 LC2 Land contamination - remediation scheme

7 LC3 Land contamination - remedial works

8 LC4 Land contamination - unexpected contam

9 An archaeological scheme comprising of 3 stages of work shall be submitted to and approved in writing by the Local Planning Authority.

A) No groundworks or grubbing up of foundations shall take place until a written scheme of investigation (WSI) for a watching brief has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the approved WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site is considered to be an area of archaeological interest and the

development may affect important archaeological deposits which must be recorded prior to destruction in accordance with Section 16 of the National Planning Policy Framework (February 2019).

10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

11 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDS). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuDS.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDS methods can be proven to be unsuitable and a watercourse is not nearby then In accordance with City of York Councils City of York Councils SuDS Guidance, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public

sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

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

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

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

12 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

13 Prior to the construction of any of the development above foundation level, a plan detailing the location of a dedicated radial AC single phase connection to facilitate the future addition of Electric Vehicle Recharging Points (minimum 32A) within the parking areas including any necessary trunking/ducting shall be submitted to and approved in writing by the Local Planning Authority. The connection shall be in place prior to the occupation of any of the residential units.

Reason: To ensure future electric vehicle charge points can be easily added to the properties in line with the paragraph 110 of the National Planning Policy Framework (February 2019) and City of York Council's Low Emission Strategy (2012).

14 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.

15 Prior to the occupation of any residential property hereby permitted, details of the proposed cycle storage including their location within the site and store details to accommodate 16 cycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development.

Reason: In order to promote sustainable transport other than the car.

16 HWAY19 Car and cycle parking laid out

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the western side elevation of the property indicated at Plot 1, Plot 4 or Plot 5.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

18 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, D and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

19 Notwithstanding what is shown on the approved plans, details shall be submitted to and approved in writing by the Local Planning Authority prior to construction above foundation level showing the first floor kitchen windows to Plots 1, 2 and 3 as being obscurely glazed and bottom hung and fitted with restrictors (restrict the ability to open the window to not more than 100mm). The kitchen windows serving these Plots shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development.

Reason: In order to preserve the privacy of neighbouring occupiers.

20 Notwithstanding what is shown on the approved plans, there shall be adequate space with the curtilage of each residential property for the following

waste/recycling bins:

180 litre bin for refuse

180 litre bin for garden waste

3 x 55 litre (stackable) boxes for household recycling (one box for each material combination)

The areas set aside for the storing of the waste/recycling bins/boxes shall be kept clear at all times and used solely for such purposes.

Reason: In order that each residential property has adequate waste and recycling facilities.

21 Notwithstanding what is shown on the approved plan PL14 C Boundary treatment, prior to the construction of any of the dwellings above foundation level, details of all means of enclosures to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in accordance with the approved details.

A sample panel of the relief patterned brickwork comprising of Boundary Treatment A (part) shall be erected on 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. 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 and maintained in the form shown for the lifetime of the development.

Reason: To ensure that the boundary treatment will preserve the privacy of neighbouring occupiers and the visual amenity of the area will be maintained.

22 Details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building and the development shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

## **8.0 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 an attempt to achieve a positive outcome:

- sought design changes to the link over the vehicular access, additional information in respect to the ventilation system and enclosure of doors.

### 2. PUBLIC SEWER NETWORK

The applicant is advised that Yorkshire Water's (as the Statutory Sewerage Undertaker) prior consent is required to make a discharge of foul and surface water to the Public Sewer Network.

### 3. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

### 4. BATS

In the UK, due to the decline in bat numbers in the last century, all species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations 2017 (as amended). Planning consent for a development does not provide a defence against prosecution under this act. There are opportunities to enhance the new buildings for bats. This can be done without detriment to the building through bat friendly features which can be designed at the outset and include features such as bat bricks, bat tiles or an adapted fascia. There is more information about this on the Bat Conservation Trust's website [http://www.bats.org.uk/pages/bat\\_boxes.html](http://www.bats.org.uk/pages/bat_boxes.html).

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