

## COMMITTEE REPORT

**Date:** 17 June 2021  
**Team:** East Area

**Ward:** Heworth  
**Parish:** Heworth Planning Panel

**Reference:** 20/02034/FULM  
**Application at:** Cherry Tree House 218 Fifth Avenue York YO31 0PN  
**For:** Erection of three buildings to form 48no. apartments with associated works and infrastructure following the demolition of existing building.  
**By:** Cherry Tree Venture LLP  
**Application Type:** Major Full Application  
**Target Date:** 22 June 2021  
**Recommendation:** Approve subject to S106

### 1.0 PROPOSAL

1.1 The proposal is for the demolition of the existing building and the construction of 3no. two storey buildings to form 48 apartments. The proposal includes 32 parking spaces (including 2 disabled spaces and 2 Electric Vehicle Charging Spaces) and bike and bin storage.

1.2 The existing building is a part single storey part two storey structure constructed around a central courtyard with parking to both sides. It was previously used by the NHS as a residential care facility but has become redundant following the opening of Foss Park Hospital on Haxby Road.

1.3 The site sits in a residential area and backs on to National Cycle Network Route 658/66 which follows a disused railway line. The houses in the locality are predominantly traditional semi-detached properties. To the west the site adjoins St Aelreds Church, presbytery and community centre.

### 2.0 POLICY CONTEXT

2.1 Emerging Local Plan (Submission draft 2018)

DP2 Sustainable Development

DP3 Sustainable Communities

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Application Reference Number: 20/02034/FULM

Item No: 4b

SS1 Delivering Sustainable Growth for York  
H2 Density of Residential Development  
H3 Balancing the housing market  
H10 Affordable housing  
HW5 Healthcare services  
D1 Placemaking  
D2 Landscape and Setting  
GI4 Trees and Hedgerows  
CC1 Renewable and Low Carbon Energy Generation and Storage  
CC2 Sustainable Design and Construction of New Development  
ENV2 Managing Environmental Quality  
ENV5 Sustainable Drainage  
T1 Sustainable Access

## 2.2 Development Control Local Plan (including 4th set of changes) 2005

H4A Housing Windfalls  
GP1 Design  
HE11 Trees and landscape  
L1c Open space

## 3.0 CONSULTATIONS

### INTERNAL CONSULTATIONS

#### Waste Management

3.1 Bin provision is appropriate for the number of dwellings and location of bin stores is acceptable.

#### Public Protection

3.2 Conditions are recommended regarding noise insulation, CEMP, hours of construction, land contamination, lighting and EVCP.

#### Design, Conservation and Sustainable Development (Ecology)

3.3 A revised landscape design and lighting strategy have resolved earlier concerns about protection of bat habitat. Bat boxes and a hedgehog box are both proposed.

#### Education

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Application Reference Number: 20/02034/FULM

Item No: 4b

3.4 As a result of there being only 8 eligible dwellings of 2 bedrooms or more, no education contribution is required.

### Flood Risk Management

3.5 The submitted drainage details are acceptable and conditions are recommended.

### Community Sports Development and Open Space

3.6 A contribution of £8456 for amenity open space, £4208 for play equipment and £11928 for sports provision is required. The amenity open space funds could be used to improve Melrosegate Field or Hull Road Park and the play equipment contribution could be used to provide more equipment at Hull Road Park. The closest voluntary sports club to this development is Heworth Tennis Club. This Section 106 contribution could be used to benefit the residents of the proposed development by enhancing the playing surface of the existing tennis courts, improving disabled access onto the East Parade site and through an electronic entry system to the Glen Gardens site to open the courts back up for public pay and play. It could also be used for improvements to Glen Gardens bowling green, or basketball court. The next closest voluntary sports clubs would be Heworth Cricket Club and then Heworth Amateur Rugby League Football Club.

### Affordable Housing

3.7 An affordable housing contribution is required in accordance with Local Plan Policy H10. The policy target is 20% on site provision however para. 63 of the NPPF notes that 'where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount'. The site circumstances have been assessed against the Vacant Building Credit criteria outlined in the associated guidance on planning obligations issued by the Secretary of State. The applicant has provided floorspace details indicating a reduction of 68.48% in affordable housing obligation is required due to this government policy. This reduces the requirement from 9.6 homes equivalent to 3.03 equivalent. A contribution of £255,024 is therefore required and should be secured via S106 agreement.

### Highways

3.8 Conditions are recommended and a contribution towards widening the cycle path on the east side of Melrosegate leading to the NCN route is required.

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Application Reference Number: 20/02034/FULM

Item No: 4b

## EXTERNAL

### North Yorkshire Police

3.9 From a designing out crime perspective the overall design and layout of the proposed scheme is considered good. Natural surveillance is provided by the active frontages and lighting across the site is appropriate for safety and security.

### Yorkshire Water

3.10 Condition re foul and surface water drainage recommended.

## 4.0 REPRESENTATIONS

4.1. Two letters of representation have been received, both objecting to the proposals. The issues raised are:

- Sustainability issues around demolishing existing building to replace it
- Insufficient parking and on-site turning areas
- Impact on highway safety to all road users as a result of increased traffic
- Noise and disturbance from additional households to neighbouring properties
- Loss of privacy to neighbours

## 5.0 APPRAISAL

### 5.1 Main Issues

- principle of development;
- housing density;
- affordable housing
- design;
- amenity;
- highways and parking;
- open space and sports provision;
- drainage;
- sustainability.

## LEGISLATIVE AND POLICY CONTEXT

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise.

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Application Reference Number: 20/02034/FULM

Item No: 4b

## National Planning Policy Framework

5.3 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application.

5.4 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.

5.5 Paragraph 11 states planning decisions should apply a presumption in favour of sustainable development and that for decision taking this means where there are no relevant development plan policies, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

## Publication Draft Local Plan 2018

5.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the 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

[Type here]

Application Reference Number: 20/02034/FULM

Item No: 4b

- 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).

It is considered that given the stage of preparation of the emerging plan, nature of objections and consistency with the NPPF that all the policies listed in para. 2.1 above should be given moderate weight except H10 which should be given limited weight.

5.7 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The directly relevant evidence base is:

- City of York Housing Needs Update (2019)
- Strategic Housing Land Availability Assessment and Appendices (2018)
- Strategic Housing Land Availability Assessment and Annexes (2017)
- City of York Strategic Housing Market Assessment Update (2017)
- City of York Council Strategic Housing Market Assessment (2016)
- City of York Council Strategic Housing Market Assessment Addendum (2016)

#### 2005 Development Control Local Plan

5.8 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 in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

#### Principle of development

5.9 The site sits within a residential area and has an existing use as a residential institution (C2). It was previously owned and run by the NHS and has been vacant now for approximately a year having become redundant with the opening of the Haxby Road facility. Following discussions within the NHS and with the Council it was identified that there was no health or care demand for the building and it was marketed for redevelopment. Policy HW5 notes that the Council will work with the

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NHS to understand their needs and help ensure sites are fit for purpose. Information has been provided by the NHS that this site is no longer necessary for secondary health care and has been made redundant by the improved facilities within the city and there is therefore no policy objection to the loss of the C2 use of the site; the proposal does not conflict with policy HW5.

5.10 The site appears to be incorrectly identified on the proposals map of the draft Local Plan as an educational establishment and the policies of Section 7: Education of the draft Local Plan are not considered relevant.

5.11 The development is on a brownfield site in a sustainable location with access to a range of services, shops, employment opportunities and public transport. Its use for housing is considered to be compatible with the surrounding area. Providing it can meet other material planning considerations it is considered that the proposal is acceptable in principle.

#### Housing density and mix

5.12 The site area is 0.36Ha and provides 48 dwellings intended for first time buyers; the proposed housing density therefore equates to 133 units per hectare. Policy H2 refers to housing density and recommends a density of 50 units/ Ha within the urban area however it also notes that within 400m of a high frequency public transport corridor then higher densities will be supported. This site falls within such an area. The NPPF also supports the effective use of land and notes that where there is a shortage of land for meeting identified housing needs that decision avoid homes being built at low densities. Providing the proposal can be shown not to result in significant harm to residential amenity as a result of the intensity of development it is considered that it meets relevant policy in this regard.

5.13 Policy H3 of the 2018 draft Local Plan seeks to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. The policy goes on to note that this includes flats and smaller houses for those accessing the housing market for the first time. This development includes one and two bedroom flats for first time buyers and sits within the York urban area as identified in the 2018 draft Local Plan. Within this area low-rise apartments are considered appropriate. Colleagues in Housing have indicated that there is a high local need for 1 and 2 bed properties across all tenures. Many of the large city centre developments have provided high numbers of properties aimed at a different

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market with much higher expected values. Additionally the Tang Hall area is predominantly housing and the proposed development would provide a wider choice of accommodation in the locality. It is considered that the proposed housing mix is a good match between this location, the city-wide demand/ need for 1 and 2 bed properties, employment opportunities and transport connectivity.

## Affordable housing

5.14 An affordable housing contribution is required in accordance with 2018 Draft Plan Policy H10, for this proposed application comprising 48 new homes. The local policy target is 20% of the total to be provided on site as affordable housing, however in this case paragraph 63 of the NPPF mandates that “where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”. A footnote to this paragraph suggests that this reduction should be equivalent to the existing gross floorspace of the existing buildings. Evidence has been provided that the building is vacant. Officers also note that the building is likely to be unattractive to other users as a result of its C2 residential use and the scale and form of the building.

5.15 The applicant has provided floorspace details indicating a reduction of 68.48% in affordable housing obligation is required due to vacant building credit. This reduces the requirement from 9.6 homes equivalent to 3.03 equivalent. Accordingly a commuted sum, calculated at the difference between estimated market value and affordable transfer value per home, in lieu of on-site affordable housing provision is required. This is to be fixed in a section 106 agreement and, informed by an independent valuation for typical apartment types, a contribution of £255,024 has been identified as policy compliant and is requested. This affordable housing sum can support development of much needed high quality, energy efficient affordable homes through schemes such as the council’s Housing Delivery Programme.

## Design

5.16 Policy D1 of the 2018 Draft Local Plan requires that developments make a positive design contribution to the city. In this case, the proposed building is of good quality and replaces a building of little design quality. The existing building is a mix of single and two storey and appears functional in character. Access is via the two entrances on either side of the site with a long expanse of security type fencing

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between them. Windows on the existing building are generally small and the building appears to turn its back on the street.

5.17 The proposed buildings approximately follow the footprint of the existing building. The form is of three blocks, one facing the highway with the others projecting to the rear and facing on to a small courtyard. The buildings are two storey in height with hipped roofs and constructed from buff brickwork.

5.18 The front block has some projecting bay details and properties are accessed by individual doors leading off Fifth Avenue, rather than a communal entrance. The block is set back from the highway following the building line of the dwellings to the East and providing small front gardens for the ground floor flats. The detailing to the elevations is good with some brick detailing around the windows and recessed elements above the doors. This brick detailing follows through in to the rear blocks although these are generally of a simpler form.

5.19 The use of buff bricks is less a feature of the local area however the site context is mixed. The neighbouring dwellings are traditional hipped roof properties and are predominantly red brick with some having a natural render/ pebble dash finish to the first floor. To the west the site adjoins St Aelreds Church, community centre and presbytery. The community centre sits behind the presbytery and is a modern single storey building while the presbytery is a traditional large two storey red brick dwelling with a predominantly hipped slate roof. The church is more modern in character, dating from the 1950's, with a shallow pitched green copper roof, and a linked tower to the West. The elevation facing onto Fifth Avenue is finished in a buff coloured cladding. Given the variety of materials in the locality and the position of the site between traditional housing and the more unique features of the church site it is considered that the proposed buff bricks are acceptable.

5.20 In terms of its height, the proposed buildings are similar in height to the neighbouring dwellings. The main body of the building sits in line with the dwellings to the east unlike the existing building which sits slightly closer to the highway. The building will result in a more imposing impact on the streetscene than the existing because it is fully two storey along the frontage however the interest in the facades and the good separation to neighbouring properties helps to mitigate this.

5.21 In conclusion, the design of the proposal is considered to meet the requirements of policy D1. The unique qualities of the site and poor design of the

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existing building allow for a replacement development which draws on local context, enhances the quality of the area and is large, yet not out of scale with neighbouring properties.

## Amenity issues

5.22 In terms of overlooking, there are no windows in the end gables of the front building which are the closest point of the development to neighbouring residents. The windows in the rear west building are 12m from the church site and those in the rear east building are 18m from the nearest dwelling, No.222 Fifth Avenue. The first floor windows in the rear buildings serve bedroom windows and these distances are considered sufficient to prevent overlooking. It is noted that the windows facing the church site look mostly onto the back of the community centre and the side of the garage of the presbytery. There is no overlooking to the front of the presbytery while its rear garden is set away from the joint boundary and some distance from the proposed buildings.

5.23 The scale of the building and its setting away from the side boundaries will ensure that there is no significant overshadowing of neighbouring properties.

5.24 Amenity for residents of the new development is considered acceptable. Ground floor flats have small areas of garden although these are very small in some instances. Those garden areas to Fifth Avenue will have limited privacy and are north facing while the ones to the rear will be overshadowed later in the day as the result of the orientation of the buildings. However, there is some provision here for private outside amenity space and this is a positive feature of the scheme. Upper flats have Juliet balconies to their living rooms; those on the rear buildings face on to the courtyard.

5.25 All flats are considered to receive sufficient levels of natural light to provide good amenity for residents. Flats facing Fifth Avenue are single aspect however all other flats have windows facing more than one direction which will help to improve natural light levels.

5.26 There are one and two bedroom flats within the development. One bedroom flats are typically between 37m<sup>2</sup> and 39m<sup>2</sup> and two bedroom flats are between 57m<sup>2</sup> and 59m<sup>2</sup>. While the nationally described space standards cannot be used as they do not form part of the 2018 Draft Local Plan, the flat sizes proposed are

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reasonably comparable. The national space standard suggests 37m<sup>2</sup> for a one bedroom flat and 61m<sup>2</sup> for a two bedroom flat. It should be noted that, within this development, the slightly smaller flats are typically on the ground floor but have the benefit of private external space.

5.27 It is noted that some of the parking spaces abut bedroom windows on the ground floor flats. There are small areas of landscaping below the windows to provide some separation but there is likely to be some disturbance from headlights and noise from vehicle movements to these rooms. It is likely that this will be minimal given the size of the site and its sustainable location which is likely to encourage more sustainable modes of transport.

5.28 The existing building is in a residential use and in a residential area. The proposal retains that residential use and is therefore unlikely to cause any significant conflict through noise and disturbance of neighbours. It is accepted that the proposal results in a more intensive use of the site however the site is large and no significant impact on neighbouring amenity is anticipated. As such the requirements of policy D1 that residents are not unduly affected by noise, disturbance, overlooking or overshadowing are fulfilled.

#### Highways and parking

5.29 The proposal retains the two existing vehicular entrances to either side of the site. These entrances lead to parking areas on either side providing 32 parking spaces (1 space per 1.4 dwellings) in total, which is in line with the Council's maximum parking standards. Following submission of a parking survey it has been accepted that visitor parking can be accommodated on-street without having a detrimental impact on the surrounding highway network.

5.30 Fifty cycle parking spaces are provided spread across the site within secure covered enclosures. Storage is also provided for bicycle accessories and recycling and waste storage.

5.31 While the preference would be for direct access from the site on to the cycle track to the south it is recognised that the level difference makes it difficult and there is already access to the cycle track, adjacent to the church, at a distance of approximately 60m from the site entrance. A contribution of £15,000 has been

[Type here]

Application Reference Number: 20/02034/FULM

Item No: 4b

agreed towards improvements to this cycle access to make widen it and bring it into compliance with national guidance either as a segregated or shared use cycleway.

## Open space and sports provision

5.32 The NPPF advises that planning decisions should aim to create healthy and inclusive places. Paragraph 96 states ‘access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate’.

5.33 Policy GI6 (new open space provision) of the 2018 Draft Plan states ‘all residential development proposals should contribute to the provision of open space for recreation and amenity’... ‘The precise type of on-site provision required will depend on the size and location of the proposal and the existing open space provision in the area. Where there are deficiencies in certain types of open space provision in the area surrounding a proposed development, the Council will seek variations in the component elements to be provided by the developer in order to help to overcome them’. The policy goes on to state that the Council will encourage on-site provision where possible but off-site provision will be considered acceptable in certain circumstances.

5.34 The site is within the Heworth Ward. The ward has a deficit of all types of open space, except allotments, based on the Open Space and Green Infrastructure Update (September 2017).

5.35 The Open Space and Green Infrastructure Update 2017 (referred to in the 2018 Draft Plan) identifies the levels of amenity space required. This is not typically capable of being provided on urban sites as there is not the space. As such an off-site contribution can be requested. This must however meet the Community Infrastructure Levy Regulations – be necessary to make the development acceptable in planning terms, reasonable in scale and kind and directly related to the development. National guidance on the use of planning obligations is also to be

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mindful of viability and the need to prioritise/incentivise development of brownfield land.

5.36 No on-site open space is provided. As such an S106 contribution for £8,456 is sought towards amenity open space. The contribution would provide improvements to Melrosegate field or Hull Road Park. £4,208 is also sought as an off-site contribution for additional play equipment at Hull Road Park.

5.37 A contribution towards off site sports provision is agreed, calculated as £11,928. It would be used to procure the provision of, or improvement to, sport or active leisure facilities to include (in no particular order):

- Heworth Tennis Club
- Glen Gardens Bowling Green
- Heworth Cricket Club
- Heworth Amateur Rugby League Football Club.

#### Drainage

5.38 The application site is located within Flood Zone 1 and the risk from flooding is low.

5.39 It has been shown that discharging surface water via infiltration will not be possible and therefore the existing surface water connection to a public surface water sewer is to be used. The brownfield run off rate has been calculated and attenuation is to be provided under the western car parking area. Conditions are proposed to protect the local aquatic environment and public sewer infrastructure.

#### Sustainability

5.40 Policy CC1 encourages the development of renewable and low carbon energy generation and storage. It requires new buildings to achieve a 28% reduction in carbon emissions through the provision of renewable and low carbon technologies in the locality of development or through energy efficiency measures, unless it can be demonstrated that this is not viable. Applicants must submit an energy statement setting out how this will be achieved, taking into consideration the impact of the scheme on other planning considerations and demonstrate any viability issues with meeting the target.

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5.41 Policy CC2 sets out the sustainable design and construction requirements that all new development (by type) must adhere to and demonstrate in a Sustainability Statement. The policy requirements for new residential development are to deliver at least a 19% reduction in Dwellings Emission Rate (DER) compared to the Target Emission rate (TER) (calculated using SAP as per the Building Regulations) and a water consumption rate of 110 litres per person per day (calculated as part G of the Building Regulations). A sustainability statement is also required in line with Policy CC2 to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency.

5.42 An Energy Statement has been submitted which concludes that the development will achieve on average at least a 22% reduction in carbon emissions by comparing the Dwelling Emission Rate to the Target Emission exceeding the requirements of policy CC2. The water consumption rate will also meet the requirements of that policy. The requirements of policy CC1 which required a reduction in CO2 emissions of at least 28% will be met through energy efficiency measures including an air source heat pump and heat recovery system within the mechanical ventilation system.

5.43 Issues related to the sustainability of demolishing an existing modern building are considered outweighed by the provision of much needed housing and benefits from the increased density of development and modern energy efficient development.

#### Other issues

5.44 Revisions have been made to the scheme to incorporate measures to promote biodiversity. The site boundaries, particularly the southern boundary with the cycle path, have been strengthened with additional planting as possible and the addition of native trees. The scheme includes the provision of bird, bat and hedgehog boxes as well as a lighting scheme which takes into account the impact on wildlife, particularly in relation to the southern edge of the site.

## **6.0 CONCLUSION**

6.1 This site within a sustainable residential location has become available for redevelopment as it is no longer required by the NHS. The form of the building is

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such that its retention would not result in an optimal use of the site and so demolition and redevelopment is being supported.

6.2 Para.11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development. Para.11d notes that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes applications for housing where a 5 year housing land supply cannot be demonstrated) then applications should be granted permission. The Council cannot currently demonstrate a 5 year housing land supply and the site is not within the Green Belt or impacts on a designated heritage asset and therefore the presumption in favour of sustainable development should apply.

6.3 The scheme provides 48 new flats with good levels of amenity for future residents and without significantly harming to the amenity of neighbours. The existing building is of little architectural merit and will be replaced by a development which enhances the local area. Financial contributions towards affordable housing, amenity open space, play areas, sports facilities and upgrades to the local cycle network will also be secured via a legal agreement.

6.4 The proposal is considered to meet draft Local Plan policy and policy contained within the NPPF and is therefore recommended for approval subject to conditions and the undertaking of a legal agreement .

## **7.0 RECOMMENDATION:** Approve subject to S106

7.1 Approval is recommended subject to completion of a S106 agreement to include the obligations below, and the recommended conditions.

- Off-site sports facilities for clubs based in Heworth £11,928
- Amenity open space improvements to Melrosegate Field or Hull Road Park £8,456
- Play equipment improvements at Hull Road Park £4,208
- Affordable housing contribution of £255,024
- Improvements to cycle track £15,000

1 The development shall be begun not later than the expiration of three years from the date of this permission.

[Type here]

Application Reference Number: 20/02034/FULM

Item No: 4b

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Location plan

External lighting layout 1295-ME-100 B

Proposed landscape plan 4115 - PL11 P

Proposed site plan 4115 - PL 12A

Proposed ground floor plan 4115 - PL 21C

Proposed first floor plan 4115 - PL 22C

Proposed north and south elevations 4115 - PL 31B

Proposed east elevations 4115 - PL 32B

Proposed south and west elevations 4115 - PL 33B

Proposed bicycle and bin stores 4115 - PL70 A

Bird and bat box location plan Received 26th November 2020

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

3 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 above ground works. 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.

4 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The maximum surface water discharge rate shall be restricted to 26.9 (twenty six point nine) litres per second.

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Application Reference Number: 20/02034/FULM

Item No: 4b

Reason: In the interest of satisfactory and sustainable drainage

5 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. The information shall include site specific details of:

- a) the surface water flow control device manhole the means by which the surface water discharge rate shall be restricted to a maximum rate of 26.9 (twenty six point nine) litres per second, and
- b) the attenuation tank the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved

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

6 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.

7 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.

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

[Type here]

Application Reference Number: 20/02034/FULM

Item No: 4b

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. 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.

[Type here]

Application Reference Number: 20/02034/FULM

Item No: 4b

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 and planning.enforcement@york.gov.uk.

Reason: To protect the amenity of the locality.

8 Prior to the commencement of development, ground gas monitoring and risk assessment must be undertaken to assess the nature and extent of any ground gas contamination. The assessment must be undertaken by competent persons and a written report of the findings must be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from ground gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 Prior to the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be submitted and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

[Type here]

Application Reference Number: 20/02034/FULM

Item No: 4b

10 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 Prior to first occupation, a minimum of 2 parking bays shall be provided which incorporate facilities for charging electric vehicles. Electric Vehicle Recharging Points shall be provided in a position and to a specification to be first agreed in writing by the Local Planning Authority. In addition, a minimum of 2 additional parking bays shall be identified for the future installation of additional Electric Vehicle Charging Points. Such additional bays shall be provided with all necessary cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future. The locations of these additional bays shall also be agreed in writing by the Local Planning Authority. Within 3 months of the first occupation of the development, an Electric Vehicle Recharging Point Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Electric Vehicle Recharging Point Management Plan will detail the management, maintenance, servicing and access/charging arrangements for each Electric Vehicle Recharging Point for a period of 10 years and will be fully implemented.

[Type here]

Application Reference Number: 20/02034/FULM

Item No: 4b

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

13 The development shall be constructed in accordance with the recommendations of the noise report NIA/925520/9293/v3/218 dated 14th December 2020.

Reason: In the interests of residential amenity.

14 The development shall not be occupied until the landscaping scheme on drawing 4115 - PL11 P has been fully implemented. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

15 The development hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations 2013.

Prior to commencement of construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

16 A lighting strategy based on the submitted lighting layout 1295-ME-100 B shall be submitted and approved in writing prior to first occupation. This strategy shall include a full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a

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Application Reference Number: 20/02034/FULM

Item No: 4b

description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary. It shall also take into consideration the impacts on ecology, and specifically bats, with particular attention to the existing vegetation to the south and the proposed bat boxes to the south west of the site.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for the appropriate Environmental Zone contained within the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

The approved strategy shall be fully implemented prior to occupation and retained and maintained for the lifetime of the development.

Reason: In the interest of residential amenity and to protect the habitats of European Protected Species.

17 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.

18 Prior to the commencement of above ground works details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

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)

[Type here]

Application Reference Number: 20/02034/FULM

Item No: 4b

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:

Imposed appropriate planning conditions to make the development acceptable.

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.

[https://www.york.gov.uk/downloads/download/304/developers\\_guide\\_for\\_controlling\\_pollution\\_and\\_noise\\_from\\_construction\\_sites](https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites)

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

There shall be no bonfires on the site.

**Contact details:**

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**Tel No:** 01904 555730

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Application Reference Number: 20/02034/FULM

Item No: 4b