

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 17 December 2008  
**Ward:** Fishergate  
**Parish:** Fishergate Planning Panel

**Reference:** 08/02081/FULM  
**Application at:** Royal Dragon 16 Barbican Road York YO10 5AA  
**For:** Erection of 3 storey detached building comprising 10 no. flats and 2 no. maisonettes (3 x 1 bed, 4 x 2 bed, 5 x 3 bed) on existing pay and display car park at rear of Royal Dragon Hotel. Demolition of north wing of existing single storey extension and rear single storey extension at the Royal Dragon Hotel to create new access from Barbican Road  
**By:** WJF Development Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 30 December 2008

### 1.0 PROPOSAL

1.1 The application site is located at the rear of the Royal Dragon Hotel within an existing pay and display car park in Fishergate. It is located outside the City of York City Centre inset boundary. Other than the existing and the proposed accesses, the main car park area is outside the Central Historic Core Conservation Area. The site area is approximately 0.11 hectares.

1.2 The site is enclosed by an approximately 3.0m high brick wall. Nos 1- 4 Lawrence Court are situated to the north of the site, nos 1-4 Barbican Mews to the south, and nos 5-16 Barbican Mews to the east. The Royal Dragon Hotel, a prominent three storey building which faces the city wall on the opposite side of Barbican road, is located to the east of the site.

Proposal Description:

1.3 This application seeks planning permission to erect a three and a half storey detached building comprising 12 apartments on the existing pay and display car park. Other works associated with the development include the construction of a new access to the north of Royal Dragon, reconfiguration of existing car park area to serve the existing customers at the Royal Dragon restaurant and the future occupiers of the apartments, erection of enclosures for refuse and cycle areas, and the provision of soft landscaping around the proposed building.

1.4 The proposal involves the demolition of single storey extensions to the side and rear of the existing building in order to provide a second access to the site (the existing access would serve as a proposed exit from the site only), and to provide car parking for the Royal Dragon restaurant. The extension to the side is located within the Central Historic Core conservation area. However, as the proposal involves only a partial demolition of the existing building, it has been determined that conservation area consent is not required for these works. The extension to the rear

is located outside the conservation area boundary and is thus not subject to conservation area controls. However, conservation area consent is required for the partial demolition of the existing wall and railings at the front of the Royal Dragon, which is required in order to provide improved visibility at the new access. This is considered under a separate Conservation Area Consent application (Ref.no. 08/02082/CAC), also on this agenda

1.4 Revised plans have been submitted incorporating a number of major changes to the scheme. These include:

- i. the repositioning of the front gable section away from 1-4 Barbican Mews by 3.0m and reducing the overall massing of this gable section;
- ii. reducing the overall height of the building by 500mm to 11.0m;
- iii. removing the front dormer as appeared in the original scheme and adding additional dormers on the rear roof slope;
- iv. increasing the width of the proposed northern access to 3.7m from the original 3.2m; and
- v. altering the design of the front and rear elevations of the building.

1.6 As the result of changes as described above, the building would measure 22.0m X 16.0 (maximum) with an eaves height of 8.0m and an overall height to the ridge of 11.0m. Both 1-4 Lawrence Court and 1-4 Barbican Mews measure 8.0m high. These properties are positioned in line with the proposed building.

1.7 Access into the site would be through the proposed access to the north of the Royal Dragon, which connects Barbican road with the application site. The existing access to the south of Royal Dragon would be retained as an exit point.

1.8 There are currently 31 parking spaces within the pay and display car park. This would be reduced to 17 by virtue of the development proposed, of which 7 no. parking spaces would be retained for the existing restaurant, with the remainder allocated to future residents.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYSP10  
Strategic Windfalls

CYSP6  
Location strategy

CYGP1  
Design

CYGP3  
Planning against crime

CYGP4A  
Sustainability

CYGP4B  
Air Quality

CYGP9  
Landscaping

CYGP15  
Protection from flooding

CYHE2  
Development in historic locations

CYT4  
Cycle parking standards

CYT16  
Long stay car parks

CYH3C  
Mix of Dwellings on Housing Site

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYED4  
Developer contributions towards Educational facilities

CYL1C  
Provision of New Open Space in Development

CYSP3  
Safeguarding the Historic Character and Setting of York

CYSP8  
Reducing dependence on the car

CYC6  
Dev't contributions to comm facilities

## 3.0 CONSULTATIONS

### EXTERNAL

3.1 Fishergate Planning Panel - no reply received

3.2 Environment Agency consulted. Responses received 27 October 2008 and 28 November 2008. The Agency has no objections to the principle of the proposed development. Conditions recommended.

3.3 Yorkshire Water consulted. Responses received 29 October 2008 and 25 November 2008. Conditions recommended.

3.4 Safer York Partnership consulted. Response received 14 October 2008. The following comments were made:

- Entrance and Exit to the development: Both the entrance and exit to the site must be clearly signed especially for road users as the new development is proposing a one way circuit.
- Natural Surveillance: The present site layout gives good natural surveillance as it is overlooked by the flats.
- Lighting: Appropriate lighting should be designed to cover potential high risk areas such as the parking bays and the site entrance. The refuse and cycle shed areas should be illuminated.
- Landscaping: This should not impede natural surveillance and must not create hiding places for intruders.
- Refuse and Cycle Shed areas: These areas should be secured to reduce the risk of theft and arson. The proposed cycle shed appears to be overlooked from the development and the refuse area is in a location that should not cause an issue to the hotel or the proposed development if a fire occurs.
- Main Entrance: The main entrance should be fitted with an access control system.
- Balconies: Enclosures to balconies at all levels should be designed to exclude handholds and to eliminate the opportunity for climbing up, down or across between balconies.
- CCTV: Consideration should be given to having CCTV cover the parking area, refuse and the cycle shed.
- Windows: Ground floor windows and those easily accessible above ground floor must be successfully tested to BS 7950.
- Site Security: Every effort should be made to secure plant, machinery and materials during the building and development phase.
- Secured by Design: This should be considered by the developers.

3.1 Neighbours consulted, site notice posted, and advertised in local newspaper. 5 letters of objection received raising the following concerns:

- The proposed site has only one entrance/exit which leads directly onto a busy part of the ring road (A1036);
- Temporary traffic management measures may need to be introduced during the construction process in order to avoid risk to both pedestrians and road users;

- the construction would be exceptionally dangerous to pedestrians, in particular young school children;
- the proposal would pose a greater danger than the present car park;
- permanent modifications would need to be made to the road layout in order to allow residents of these new dwellings access in and out;
- the road safety measures would be difficult to introduce without considerable inconvenience to road users;
- the noise and mess to be created during the construction process would represent an unacceptable disturbance to the occupants at 12A Barbican Mews, 7 Barbican Mews and the local community;
- the proposal would obstruct the views of the property at 12A Barbican Mews, 7 Barbican Mews and 10 Barbican Mews;
- the design of the scheme is not in keeping with the local area;
- the proposed development would have a significant impact on 10 Barbican Mews and 7 Barbican Mews in terms of the loss of daylight;
- the daylight/sunlight assessment is incorrect;
- the proposal would affect the privacy of the residents at 10 Barbican Mews and 7 Barbican Mews;
- the proposal would increase noise level in the evenings and littering associated with late night activities.
- The introduction of more dwellings would put a significant strain upon the available parking facilities, leaving Barbican Mews to cope with the overflow;
- it may be necessary to introduce 'Permit Parking' to Barbican Mews in order to secure residents' spaces. Such measures would be inconvenient for local residents as well as putting additional strain on local authority due to ongoing monitoring;
- the proposal would reduce the value of the property;
- to build more dwellings in York during the current economic climate is unwarranted and unjustified.
- The proposal is a four storey building and not the planned three as the roof space would provide top floor accommodation;

## INTERNAL

3.5 City Development Unit consulted. Responses received 29 October 2008 and 26 November 2008. The following comments were made:

- The proposed residential use on this site is acceptable in policy terms;
- The density of the proposed development is approximately 109 dwellings per hectare.
- The Council's Strategic Housing Market Assessment indicates that greatest demand across York is for 2-bed and 3-bed homes. It also highlights that demand is for houses rather than flats;
- Highway Network Management team should be consulted on the loss of car parking;
- A Sustainability Statement has been submitted. This needs to be judged in accordance with the Council's Interim Planning Statement on Sustainable Design and Construction;

3.6 Lifelong Learning and Leisure consulted. Response received 29 October 2008. As there is no on-site open space, commuted sums should be paid to the Council for amenity open space, play space and sport pitches.

3.7 Highway Network Management consulted. First response received 27 October 2008. The following comments were made:

- No objections are raised to the proposed reduction of car park spaces;
- The car parking provision for the flats is 10 spaces for 12 apartments; this is considered acceptable given the proximity of the site to the city's transport links.
- The proposed new access is shown as 3.2m wide. This should be increased to a minimum of 3.7m with a height clearance of 4.5m throughout to permit emergency vehicles, principally fire tenders, to enter the site;
- Communal cycle stores are not the preferred option as they can result in security problems;
- Cycle spaces should be at a minimum rate of one per 1- 2 bedroomed dwelling and two per 3 bedroomed or over.
- It is not considered that the proposed development would justify additional cycle storage for the restaurant;
- Conditions recommended to any permission granted. Other than the standard highway conditions, conditions requiring a full 3 stage road safety audit and a Method of Work Statement condition have been recommended.

3.8 Second response received 2 December 2008 following the submission of revised drawings. The following comments were made:

- The entrance has been widened to 3.7m. This is now considered to satisfy the requirements for emergency vehicles.
- The cycle storage has been increased to cater for 24 cycles. This is considered to be acceptable.
- conditions recommended previously still apply

3.9 Environmental Protection Unit consulted. Response received 16 November 2007. The following comments were made:

- The site is within the Air Quality Management Area. However, the residential units are set back from the carriageway. Furthermore, there is not likely to be an increase in traffic generated by the site and that there is provision for bicycle storage for the proposed future residents.
- Watching brief informatives should be placed on the permission to cover the remediation of any contamination that may be found during development (informatives 3 and 4).
- A condition is recommended to ensure the residential units are adequately protected from the road traffic noise (condition no.12).

3.10 Learning, Culture and Children Services: On the basis of the types of apartments proposed, 2 extra secondary school places are needed. As such a financial contribution of £32,540 is required.

3.11 Design, Conservation and Sustainable Development consulted.

## Conservation

First response received 5 October 2008. The following comments were made:

- By virtue of the scale and design of the proposed building, it would be prominent in views into and out of the conservation area, and views from the city walls;
- substituting the rendered panels with a more traditional natural finish would preserve the proposed contemporary appearance;
- the glazed projecting gable which form the front roof hip (as shown on the original drawings) should be omitted to preserve the setting of neighbouring historic assets;

3.12 Second response received 28 November 2008. It is considered that the revised plans have addressed comments made in the original response.

## Sustainability

Response received 4 November 2008. The following comments were made:

- The details submitted with the application have broadly covered the key issues in the Interim Planning Statement and Policy GP4a of the City of York Draft Local Plan 2005. The following aspects of the scheme are particularly welcomed:

- a. commitment to minimal parking and the promotion of sustainable transport modes
- b. The design and commitment to build to a BREEAM Eco-Homes 'Very Good'
- c. use of local, natural and responsibly sourced materials.
- d. sustainable drainage
- e. use of a Construction Environmental Management Plan
- f. recycling provisions
- g. use of SUDS,
- h. designed to reduce demand for energy,
- i. commitment to generate 10% of the sites energy demand from renewable sources.

3.14 Engineering Consultancy consulted. Response received 14 October 2008. The consultancy objected as insufficient information has been provided to determine the potential impact the proposals may have on the existing drainage systems.

## **4.0 APPRAISAL**

4.1 The main issues to be considered are as follows:

- i. Residential development in an existing car park
- ii. Visual amenity and impact on the conservation area
- iii. Residential amenity
- iv. Housing mix
- v. Parking and highway safety,
- vi. Environmental protection
- vii. Flood risk and drainage
- viii. Sustainability

ix. Other material considerations

## RESIDENTIAL DEVELOPMENT IN AN EXISTING PAY-AND-DISPLAY CAR PARK

4.2 Policy T16 of the City of York Draft Local Plan seeks to reduce the number of peak hour car trips, that contribute significantly to congestion and environmental pollution.

4.3 The site is currently used as a pay-and-display public car park. It became established in 2006 as a result of the granting of a Certificate of Lawful Use, the applicant have successfully demonstrated then that the pay-and-display public car park has been in continuous use for a period of over 10 years.

4.4 This application seeks to replace the existing pay and display private car park with a private residential scheme. It is considered that the proposed loss of a pay-and-display car park would comply with the objectives policy T16 of the City of York Draft Local Plan, by reducing the number of car borne journeys into the city. Furthermore, the site is situated just outside the city centre boundary and would secure the redevelopment of a brownfield site. Due to its location the site also has good accessibility to jobs, shops and services by non-car modes. As such, the proposed residential use on this site is considered acceptable in principle. No objections are raised by the City Development team in policy terms.

## VISUAL AMENITY AND IMPACT ON THE CONSERVATION AREA

4.5 Following the comments of the Council's conservation officer, the latest scheme has been amended in order to reduce the impact on the character and appearance of the conservation area. Initial concerns regarding the impact of the glazed projecting front gable have now been addressed following the submission of amended drawings. The overall height and massing of the building have also been reduced so that it would appear less prominent from the City Walls and the rest of the conservation area. The submitted cross-sectional drawing shows that the overall height of the proposed building would be no higher than the Royal Dragon and 5-16 Barbican Mews. A condition has been recommended to ensure that the building would be no higher than 11.0m (condition no.16).

4.6 The proposed building would also be well screened by the massing and positioning of Royal Dragon building and the surrounding buildings fronting Barbican road and Paragon Street. No objections are raised regarding its design and contemporary appearance. As such, it is unlikely that the proposed scheme would harm the character, setting and appearance of the conservation area and the locality.

4.7 The revised scheme introduces dormer windows onto the rear elevation of the building. However, they would be relatively unseen from surrounding public viewpoints. Furthermore, they would not be seen from within the conservation area by virtue of the screening effect afforded by the roof the proposed building. Hence it is unlikely that the visual appearance and amenity of the area would be unacceptably harmed.



## RESIDENTIAL AMENITY

4.8 The latest amendments have incorporated a number of changes seeking to address the issues concerning the loss of daylight and overbearing. The original scheme incorporated a large gable element projecting beyond the front of the building line by 6.0m, leaving a distance of less than 3.0m from 1-4 Barbican Mews. As this would have appeared intrusive and overbearing when viewed from 1-4 Barbican Mews and may also have resulted in an unacceptable loss of daylight, revised drawings have been submitted to relocate this front gable element away from 1-4 Barbican Mews by 3.0m. The impact on adjacent residents would also be minimised by reducing the scale of this front gable element and by reducing the overall ridge height of the building.

4.9 There would be a distance of approximately 21.0m between the proposal and nos 5 -16 Barbican Mews. This is considered to be acceptable in an urban setting given that similar distances between buildings have already been established in this locality. The use of recessed balconies would minimise the loss of privacy and overlooking. Due to a separation distance in excess of 25.0m it is unlikely that the proposal would unacceptably affect the privacy and the level of daylight entering into 7 and 10 Barbican Mews.

4.10 The south east section of the building would be in close proximity to the southern boundary. Nevertheless its footprint would only be set 1.0m forward in relation to the building line at 1-4 Barbican Mews. Hence it is unlikely that the relationship between the two blocks would result in an unacceptably loss of amenity. An informative has been recommended to ensure that all parts of the building including side gutters would be within the application site (informative no.3).

4.11 Having taken the above into account, it is not considered that the development would unacceptably harm the residential and visual amenities of the locality.

## HOUSING MIX

4.12 A total of three 1 bed, four 2 bed and five 3 bed units would be provided. On the basis that 75% of the units would be two and three bed units, it is considered that the scheme would not be in conflict with the standards set out in Strategic Housing Market Assessment and would accord with policy H3c of the City of York Draft Local Plan 2005.

## PARKING AND HIGHWAY SAFETY

4.13 As requested by the Highway (Network Development)Team, the amended plans show the minimum width of the proposed access increased to 3.7m with a height clearance of 4.5m. The amended drawings also show that 24 cycle spaces would be provided, increased from 12 as originally proposed. A condition has been recommended to ensure that adequate covered cycle spaces would be provided within the application site (condition no.6).

4.14 The existing pay and display car park contains a total of 31 spaces. This would be reduced to 17 spaces, all of which would be used by the future residents and the

customers of the Royal Dragon only. It is considered that by replacing the pay-and-display car park with a residential development, the proposal would contribute towards restricting the availability of parking outside the city centre boundary, which in turn would restrict vehicle movements into the city. This accords with the Central Government advice contained within Planning Policy Guidance no.13 "Transport" and policy T16 of the City of York Draft Local Plan 2005.

4.15 This is an enclosed site with no access being proposed to link the existing Barbican Mews development with the scheme proposed. Hence it would be unlikely that the existing parking spaces at Barbican Mews would be used by the future occupants of this development.

4.16 New vehicular access is proposed to the north of the site to ease traffic flow to and from the existing southern access. The proposed access would also enable a one-way traffic system to be introduced, whereby vehicles would enter the site through the northern access while exiting the site via the existing southern access. Highway Network Management have no objection to this arrangement subject to the widening of the northern access to 3.7m with a height clearance of 4.5m (as now shown on the revised drawings).

4.17 Other than the standard highway conditions, a method of work statement condition has been recommended (condition no.11) to manage traffic during the construction period. A three stage road safety audit (condition no.3) has also been recommended to minimise the road safety risks associated with changes imposed by the development. To ensure that the junction between the internal access road and the highway is designed to the highway standards, a condition has been recommended requiring such details to be submitted prior to the commencement of development (condition no.5).

## ENVIRONMENTAL PROTECTION

4.18 The site is within the Air Quality Management Area. Nevertheless, the residential units are set back from the carriageway sufficiently for this not to be a concern. Furthermore, there is unlikely to be an increase in traffic generated by the site as the number of parking spaces has reduced from 31 to 17 and there is provision for bicycle storage for the proposed future residents.

4.19 To protect future residents from road traffic noise and noise from the restaurant, a noise level condition has been recommended (condition no.12). In the interests of the amenity of nearby residents, a condition restricting the hours of construction and demolition is also required (condition no.13).

## FLOOD RISK AND DRAINAGE

4.20 The application site itself is within Flood Zone 1 i.e. at low risk of flooding, with the access being located within Flood Zone 2. No objections are raised to the proposal by the Environment Agency subject to a condition requiring the submission of a surface water drainage scheme for the site, based on sustainable drainage principles and giving details of existing and proposed surface water run off rates, and providing confirmation that run off will be reduced by a further 30% to take account of

climate change. Yorkshire Water has raised no objections in principle and has recommended three standard conditions relating to foul and surface water drainage. They also recommend that consideration is given to the use of sustainable systems of drainage (e.g. soakaways and permeable hardstandings) but have stated that surface water may be discharged to the combined public sewer in Barbican Road, subject to a controlled rate of discharge. It is considered that the conditions recommended by the Environment Agency and Yorkshire Water conditions 21, 22, 23 and 24) would address the lack of information referred to by Engineering Consultancy and would ensure that the site is properly drained. It is generally considered inappropriate to refuse planning permission in cases where planning conditions can be imposed to mitigate against any identified harm.

## SUSTAINABILITY

4.22 In order to meet the Council's requirements of generating 10% of the sites energy demand from renewable sources, the preliminary energy study carried out has identified a number of feasible options which includes solar thermal water heating system and the use of Photovoltaic roof panels. These panels will be orientated to the south; this would optimise the amount of renewable energy generated and would offset main supplies. In addition, the building has been oriented to receive maximum exposure from low angle winter and mid-season sunlight. The building would also contain sufficient level of thermal mass in order to moderate internal temperatures. The development would aim to provide a 25% improvement in carbon emissions over the new approved document Part L of the Building Regulations.

4.23 Water conservation measures have been considered through the use of rainwater harvesting systems. There is also a potential to recycle rainwater from roof run-off within the development. Water efficient fixtures and fittings including low-flush WCs, spray taps and low water use showers would also be incorporated as part of the Codes for Sustainable Homes assessments.

4.24 Building materials for the development will be sourced locally where possible, and make use of recycled and low embodied energy options where feasible. 'Green Guide to Housing Specification' has been referred to throughout the development of the design and material with low embodied energy. For example, it would be a contractor requirement to source 90% of all timber from Forest Stewardship Council certified product suppliers or equivalent. In addition, contractors would be required to use recycled, locally sourced materials and those with a low embodied energy (Green Guide A or B rating) where practical.

4.25 On completion of the development, recycling would be encouraged through the provision of adequate storage for recyclable materials in line with the BREEAM and Code for Sustainable Home requirements.

4.26 In addition, the site is within walking distance from the city centre and local amenities. Adequate cycle storage would be provided within the site.

4.27 In compliance with the standards set out in IPS on Sustainable Design and Construction, a Code for Sustainable Homes Level 3\*\*\* condition (condition no. 25)

and a 10% on-site renewable generation condition (condition no. 26) have been recommended.

#### OTHER CONSIDERATIONS:

4.28 Planning Against Crime: A Secured by Design condition is required to address the recommendations of the Safer York Partnership (condition no.18).

4.29 Education and open space contributions: The education provision within the catchment area of the development has insufficient capacity to accept more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the Development Control Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities". A condition has been recommended to secure a financial contribution for additional school places to be provided within the local catchment area (condition no.19). In accordance with policy L1c of the City of York Draft Local Plan and the advice note on commuted sum payments for open space, an off-site open space contribution is also required (condition no.20).

4.30 Having taken the above into account, it is considered that the proposed development would not cause undue harm to the main issues identified. As such the proposal complies with national advice contained within Planning Policies Statement (PPS) no.3 "Housing", PPS 1 "Delivering Sustainable Development" and the policies set out in Regional Spatial Strategy for Yorkshire and Humber 2008 and the City of York Draft Local Plan 2005.

## 5.0 CONCLUSION

By virtue of the above this application is recommended for approval.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

067 PL 015 rev B,  
067 PL 008 rev D,  
067 PL 014 rev A,  
067 PL 013 rev B,  
067 PL 016 rev B,  
067 PL 009 rev A,  
067 PL 010 rev A,  
067 PL 011 rev A,

067 PL 012 rev B,  
067 PL 017 rev B,  
067 PL 019 rev B,  
067 PL 018 rev A, and  
067 PL 020 rev A received 24 November 2008, 27 November 2008 and 28 November 2008

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 A full 3 stage road safety audit shall be carried out in respect of the proposed new access to the site from the inner ring road, in accordance with advice contained within the Design Manual for Roads and Bridges ref: HD 19/94 and guidance issued by the City of York Council. Stage 1 of the road safety audit shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on site.

Reason: To minimise the road safety risks associated with changes imposed by the development.

4 Prior to the development coming into use, all areas used by vehicles and pedestrians shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway and in the interests of residential amenities and highway safety.

5 HWAY14 Access to be approved, details reqd

6 Notwithstanding the information obtained on the approved drawings, prior to the development commencing 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.

7 HWAY19 Car and cycle parking laid out

8 HWAY21 Internal turning areas to be provided

9 HWAY31 No mud on highway during construction

10 HWAY36 Servicing within site, details reqd

11 Prior to the commencement of the works hereby permitted, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, the access to the site, the route taken by vehicles transporting the demolition waste from and construction materials to the site and the hours of operations

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption and inconvenience to the users of the adjacent public highways.

12 The building envelope facing Barbican Road and Paragon Street shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAMAX between the hours of 23:00 and 07:00 in bedrooms and 35 dB LAeq 1 hour between 07:00 and 23:00 in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To safeguard the amenity of future residents.

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

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

Reason: To safeguard the amenities of adjoining residents.

14 VISQ3 Boundary walls to be retained

15 VISQ8 Samples of exterior materials to be app

16 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 11.0 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

17 No development shall take place until there has been submitted and approved

in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

18 Prior to the development commencing details that show how 'Secure by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secure by Design' details prior to occupation or use of any part of the development hereby approved.

Reason: In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.

#### INFORMATIVE:

In addressing the requirements of this condition, consideration should be given to the comments of the Police Architectural Liaison Officer, who has recommended that both the entrance and exit to the site must be clearly signed, particularly for road users. Appropriate lighting should also be designed to cover potential high risk areas such as the parking bays and the site entrance. The refuse and cycle shed areas must be illuminated. In addition, landscaping should not impede natural surveillance and must not create hiding places for intruders, and that refuse and cycle shed areas should be secured to reduce the risk of theft and arson.

The main entrance should be fitted with an access control system. This may be a PAC entry system, a door entry phone system and electric lock release or a combination of these. Entrance and exit doors and frames to blocks should be of robust, vandal resistant material. Vandal resistant viewing panels should be fitted. Entrances should be well lit, both internally and externally. Enclosures to balconies at all levels should be designed to exclude handholds and to eliminate the opportunity for climbing up, down or across between balconies. Consideration should also be given to having CCTV cover of the parking area, refuse and the cycle shed, and that ground floor windows and those easily accessible above ground floor must be successfully tested to BS 7950: 1997 standards. Finally, North Yorkshire Police would expect the developers of the site to make every effort to secure plant, machinery and materials during the building and development phase.

19 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the Development Control Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

**INFORMATIVE:**

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £32,540. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities".

No development can take place on this site until the condition has been has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

20 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £16,668.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

21 Development shall not begin until details of foul and surface water drainage works, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

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

**INFORMATIVE**

To comply with this condition the applicant is expected to provide details of the



existing surface water system together with details of the proposals for the new development. In addition, the existing and proposed surfacing and ground levels for the site and adjacent properties should be shown. A topographical survey and proposed finished floor and ground levels are also expected to be provided. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties. Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

In accordance with PPS25 and in agreement with the Environment Agency / City of York Council, peak run-off from brown-field sites must be attenuated to 70% of the existing rate (based on 140 l/s/ha of 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 20% 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.

As the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, carried out in winter. Details of oil interception are also required.

22 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.

23 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: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

24 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- i. details of existing and proposed surface water run off rates.
- ii. confirmation that run off will be reduced by a further 30% to take into account climate change.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface

water drainage system.

25 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. This shall indicate that at least a CSH Level 3\*\*\* rating shall be achieved. This shall be followed by the submission of a Code for Sustainable Homes Final Certificate (issued at post construction stage). This shall be submitted to the Local Planning Authority after completion and before first occupation of the building, and shall confirm that at least the minimum code level 3\*\*\* rating was achieved as indicated in the initial CSH Design Stage assessment.

Reason: In the interests of sustainable development.

26 Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 10% of the expected energy demand for the development hereby approved shall be provided through on site renewable generation for heat and/or electricity. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

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

27 Notwithstanding the information shown on the approved drawings, prior to the commencement of the development details of the windows in the side elevations of the building shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be fully implemented unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the amenities of the adjoining residents.

28 Unless otherwise agreed in writing with the Local planning authority, the windows in the side elevations of the building hereby approved shall at all times be fitted with obscure glazing to a standard equivalent to Pilkington level 3 or above.

Reason: In the interests of the amenities of the adjoining residents.

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions

listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- principle of the proposal,
- visual amenity and impact on the conservation area,
- residential amenity,
- housing mix,
- parking and highway safety,
- environmental protection,
- flood risk and drainage,
- sustainability
- planning out crime.

As such the proposal complies with Planning Policy Statement no.1 "Delivering Sustainable Development", Planning Policy Statement no.3 "Housing", Planning Policy Guidance no.15 "Planning and the Historic Environment", Regional Spatial Strategy for Yorkshire and the Humber (2008) and Policies SP10, SP6, GP1, GP3, GP4a, GP4b, GP9, GP15, HE2, T4, T16, H3c, H4a, H5a, ED4, L1c, C6, SP3 and SP8 of the City of York Local Plan Deposit Draft.

## 2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. The applicant is reminded that all parts of the development including foundations and side gutters should be within the property boundary of the application site (Royal Dragon, 16 Barbican Road).

4. In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) 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. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

5. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

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

- (i) The work shall be carried out in such a manner so as to comply with the

general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(ii) 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 manufacturers instructions.

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

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

(v) There shall be no bonfires on the site.

**Contact details:**

**Author:** Billy Wong Development Control Officer

**Tel No:** 01904 551326