



1.6 There are two separate and distinct applications to be considered. This planning application will deal with the planning issues such as design, highway safety, access and parking , amenity, landscaping, affordable housing and any impact on the setting of the Listed Buildings. The next agenda item is a Listed Building consent application and that will deal solely with issues of the historic environment with particular regard to the conversion of the two listed buildings and the impact the physical alterations will have on the historic character and appearance of these buildings.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Listed Buildings Grade2; Shipton Street School Attached Schoolmasters House

2.2 Policies:

CYED3

Change of use of Pre-School, Primary and Secondary Educational Facilities

CYH4A

Housing Windfalls

CYH5

Residential densities over 25 per ha

CYH2A

Affordable Housing

CYC6

Devt contributions to comm facilities

CYL1C

Provision of New Open Space in Development

CYT4

Cycle parking standards

CYGP1

Design

CYGP4A  
Sustainability

CYHE2  
Development in historic locations

CYHE4  
Listed Buildings

### **3.0 CONSULTATIONS**

#### **3.1 Highway Network Management**

The proposal is to form 38 dwellings on the site through a combination of conversion of the existing buildings and new build.

Access to the site is to be taken from Newborough Street via an existing vehicular entrance which is to be widened and improved to enable two-way traffic flow. The junction with Newborough Street is to be formed with kerb buildouts to manage the currently unrestricted on-street car parking and improve pedestrian crossing facilities across the junction bellmouth. The build outs together with proposed waiting restrictions are considered necessary to ensure that parked vehicles do not obstruct sightlines at the access or traffic flow at the access itself. The improvement of this access also provides a lay-by which is intended to be for the use of car club vehicles.

The internal layout of the scheme has been designed to an adoptable standard and is capable of accommodating a refuse vehicle. Adequate turning has been provided in order to enable vehicles to leave in a forward gear. Vehicle swept paths have been provided which demonstrate that the access as proposed will work satisfactorily.

Car parking has been provided in accordance with CYC Annex E maximum standards and together with a package of sustainable travel measures officers do not consider that the proposal will have a detrimental impact on the surrounding highway. The site is located within walking distance of the city centre and is within an acceptable distance of frequent bus services. Cycle parking in accordance with the authorities standards has also been provided on site.

The applicants have confirmed their agreement to;

- 1) provide funding of £1500 towards the implementation of Traffic Orders
- 2) provide funding of £6080 towards the provision of a car club vehicle in the vicinity of the site
- 3) offer first occupiers the choice of either a 12 month bus pass or a free cycle.

The above measures are considered necessary to reduce the dependence on the private car and to manage the available car parking more effectively. The measures are to be secured through a S106 Agreement. Standard conditions are also recommended (conditions 5 – 13 inclusive).

### 3.2 Urban Design and Conservation.

Shipton Street School was the first school building in York by the noted local architect Walter Brierley (please preamble of 28/08/07 consultation for further comments on significance). It is located in an area of high density terrace housing adjacent to York City football ground. The area is not a designated conservation area. The school was listed (grade 11) in June 2003 in response to a threat of demolition following its closure in the summer of 2001. A development brief was prepared for the site in January 2006 on behalf of Property services.

The main range is a single storey building with a deep plan formed by classrooms located either side of a central spine corridor. The lack of light deep within the plan and the proximity of terrace housing 12m away from its north façade place restrictions on options for reuse. Given the limitations of the building and its site we have accepted that the best use of the cellular arrangement is the conversion to small houses. The units would preserve the layout of the school as it was developed by Brierley's office to respond to the increase in pupil numbers, and it would result in the removal of the later C20th additions. The conversion is radical though in its loss of the current single storey roof (now felted) of the spine corridor. This is necessary to allow access and light into the building without altering the distinctive external elevations of the scheme. Although some of the original door and window positions along the central corridor would alter, we hope to secure conditions which preserve characteristic detailing of the school with a substantial reuse of doors and windows, albeit upgraded for external performance.

The previous nursery unit was already much altered internally. The conversion makes full use of the roof void which was previously blocked off with modern suspended ceilings.

The scheme accepts a level of new development on site on the southern perimeter. Whilst we have had reservations about the impact of the new build on the setting of the school the development appears to be in accordance with the brief which suggested a maximum height of 2.5 storeys in total so that new development would not over-dominate the existing school. This enabling development provides enclosure to the southern side of the central area, where the tar-macadam playground has been substantially removed in favour of green landscape and car-parking. Revisions to the new work have resulted in new development being "pulled away" from the west side of the school so that its water tower remains visible in views from within and outside of the site. Also the nursery building has been given more breathing space. The new work adopts a version of the pronounced dormer windows which are a distinctive element of the Brierley building; otherwise the materials palette of the new buildings has been chosen with differentiation in mind. Although the setting of the building has been altered by the proposed new work, it is considered that the integrity of the earlier school buildings can still be perceived on site. It is also considered that the density and grain of development as a whole is compatible with the surrounding area.

### 3.3 Landscape Architect.

No objections.

### 3.4 Environmental Protection Unit

The traffic impact assessment submitted with the application indicates that traffic movements associated with the new development are likely to be significantly less than those associated with the previous use of the site as a school. The proposal is therefore unlikely to have any negative impact on air quality in the vicinity of the site or the surrounding area. Current air quality in the vicinity of the site presents no risk to human health and is suitable for the introduction of further residential premises. On this basis there are no objections to this proposal on grounds of air quality.

The Contaminated Land officers also requires that a contaminated land desk study be provided.

### 3.5 Archeaology

Site lies outside the area of archaeological importance but in an area which has produced evidence for Romano-British and post-medieval activity. Some archaeological remains relating to this period have been found in the vicinity in the past and therefore a watching brief on this site is recommended as similar deposits may be found here. The standard watching brief condition is recommended (condition 16).

### 3.6 Sustainability officer

Welcomes the applicants commitment to achieving Code for Sustainable Homes level 3. No objections subject to condition (condition 19).

### 3.7 Internal Drainage Engineers.

No objections subject to a condition restricting surface water runoff rates (condition 20).

## EXTERNAL.

### 3.8 Clifton Planning Panel

No objections but consider that the 3 bedroom houses should be included in the affordable housing provision as this will suit a family better than a 2 bedroom property.

### 3.9 Yorkshire Water.

No objections subject to conditions and information about surface water discharge rates.

3.10 Neighbouring properties and sites were consulted by letter and several site notices were placed around the site. 4 letters of objection were received making the following observations:

From the occupiers of 44, 45 and 47 Newborough Street.

i) Concern expressed over plans to restrict parking opposite and adjacent to the entrance to the site. Parking is a major problem in the area and reduce spaces adjacent to no's 45 and 47 Newborough Street is not acceptable.

ii) Parking in surrounding streets is almost impossible at present during the day and any more cars will cause significant problems. Object to any plans which will restrict parking on Newborough Street.

iii) Is the restriction on parking really necessary as fire engines and delivery drivers can get in and out of this junction without any problems.

iv) No. 47 Newborough Street is also a fish and chip shop and business will be severely restricted by these restrictions. Where will customers park? This could result in the business closing down.

From the occupier of 2 Shipton Street.

v) Concerned from looking at the plans that some of their outbuildings are no longer there and are part of the development.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES.**

- Principle of residential development.
- Affordable Housing.
- Access and Highway safety.
- Impact on the setting of the Listed Buildings.
- Residential amenity.
- Landscaping.
- Sustainability

### **4.2 Principle of residential redevelopment**

4.3 Planning Policy Statement 3, Regional Spatial Strategy 12 and Draft Local Plan Policy H4A (Housing Windfalls) encourage new housing development to be located on previously developed land. The latter policy states that planning permission will be granted where the site is within the urban area, has good accessibility, is of an appropriate scale and density and would not have a detrimental impact on existing landscape features.

4.4 The site would fall within the definition of 'previously developed land', is located in a predominantly residential area within the main urban area of the City and has good accessibility. Therefore, the principle of redevelopment of the site for residential purposes is acceptable in policy terms, subject to consideration of issues such as local residential amenity, scale and density and there being no impact on the setting of the listed building (as discussed below).

Policy ED3 of the Draft local plan says that planning permission will only be granted for the redevelopment of education facilities where it can be demonstrated that the existing site is surplus and no longer required, the proposal is of a scale and design which is appropriate to the area and any redevelopment should have minimal impact on surrounding residential amenity.

4.5 Policy H4a (Housing Windfalls) stipulates that proposals for residential development on land not already allocated for housing will be granted planning permission in accordance where:

- a) The site is within the urban area and is vacant, derelict or underused, or it involves infilling, redevelopment or conservation of existing buildings,
- b) The site has good accessibility to jobs, shops and services by non-car modes, AND
- c) It is of appropriate scale and density to surrounding development, and
- d) It would not have a detrimental effect on existing landscape features.

4.6 Policy H5 outlines the appropriate densities for new residential developments. A minimum density of 40 dwellings per hectare is encouraged for developments in the urban areas. The policy also suggests that the scale and design of the proposed residential development should be compatible with the character of the surrounding area and must not harm local amenity. In relation to the density of this development a total of 38 dwellings are proposed on an area of 0.4 hectares thus equating to approximately 95 dwellings per hectare. Therefore the density is above the recommended minimum in policy H5a of 40 dwellings per hectare.

Affordable Housing.

4.7 Policy H2a (Affordable Housing) states that the City of York Council will seek to ensure, through negotiation and agreement, that proposals for new housing development of 15 dwellings/0.3Ha or more will include affordable housing in line with the council's Housing Market Assessment Draft 2006.

4.8 In accordance with policy H2a and the Council's Affordable Housing Advice note (July 2005), the following affordable tenure split has been agreed on all suitable allocated and windfall sites in York: 45% for affordable rent plus 5% for discounted sale, to address priority housing needs in the city. Where properties offered for discount sale are not purchased, it is appropriate that these are used for affordable rent.

4.9 The affordable housing provision on this site has been agreed at 11 units which represents a 28% provision, with 60:40 split between social rent and discount sale. This followed a detailed independent viability assessment and is a clear reflection of the current poor market conditions. The provision also takes in to account that the applicant is providing a community room in the scheme for use by the local community. However, the details of the ongoing management and use of this room remain unclear and negotiations are continuing on this. Should the community room ultimately not be provided the affordable housing provision will be increased to 12 units, representing 31% and this would be conditioned as such in the associated Section 106 agreement.

4.10 The original affordable housing offer when the application was first submitted was only 5% and officers considered this to be wholly unacceptable. Negotiations on this issue have been long and protracted and have included independent viability assessments. The final figure does also reflect the current poor market conditions. That said, the build costs on this site are quite high given the extent of the work

required to the listed building and therefore it is considered unlikely that a figure close to the 50% figure outlined in the policy would have been achieved even in a buoyant market.

4.10 However, in granting permission now, the Council need to protect the interests of affordable housing as it is likely the site will be developed at a later date when the market may have recovered. Consequently should permission be granted it will be conditional on a reappraisal being carried out once the development actually starts. Should the market have recovered, there will be the potential for the proportion of affordable housing to be increased. This will form part of any Section 106 agreement. Discussions over the use of the community room are ongoing and any conclusion to these will be reported to members at the meeting.

Access and Highway safety.

4.11 Access to the site is via Newborough Street via the existing entrance into the school. This runs between no's 45 and 47 Newborough Street and both of these residents have objected to the off-site highway arrangement works as they consider that this will result in the loss of on-street residential parking spaces. The main off-site works include the widening and improvement of the existing vehicular entrance into the site to enable two-way traffic flow. The existing access is currently only suitable for single flow traffic and is therefore considered unsuitable in its current form to serve the level of residential development proposed. The junction with Newborough Street is to be formed with kerb buildouts to manage the currently unrestricted on-street car parking and improve pedestrian crossing facilities across the junction bellmouth and improve sight lines at this junction.

4.12 The improvement of this access also provides a lay-by which is intended to be for the use of car club vehicles. A traffic order is proposed to restrict the use of the lay-by to car club vehicles only. Car clubs have been proven to act as a useful tool in restraining car ownership levels and would be secured through a Section 106 agreement. The provision of the car club is therefore likely to be of benefit to not only to residents of the development but also surrounding residents.

4.13 The occupiers of no's 45 and 47 have raised objections on the grounds that the proposed alterations will reduce levels of residents parking in the area and the scheme generally will result in parking displacement from the proposed site which will result in more people wishing to park on local roads. Parking provision within the site is at a minimum but is in accordance with CYC Annex E maximum standards and together with the proposed package of sustainable travel measures officers do not consider that the proposal will have a detrimental impact on the surrounding highway. The site is in a highly sustainable location, is within walking distance of the city centre and is within an acceptable distance of frequent bus services. Good quality cycle parking in accordance with the authorities standards is also to be provided on site to further promote non car travel.

4.14 Officers consider that the combined impact of limited car parking together with the sustainable travel initiatives being provided mean that the site will be self contained and should not result in the displacement of car parking to adjacent streets.



4.15 It is acknowledged that a limited number of spaces will be lost as a result of these works but when assessing the impact of the loss of a limited number of on-street spaces against the highway safety implications of not providing the kerbside build outs as described in para. 4.9 above, officers consider that the build outs are necessary. This work is considered necessary in order to facilitate the development. Vehicles have been known to park in the current access route. However, according to highway officers, vehicles parked here are committing an obstruction and therefore the prohibition of parking in this location cannot be considered to represent a loss of on-street parking facilities.

#### Impact on the setting of the Listed Buildings

4.16 Both the main building and the infants (nursery) block are to be converted into residential use. Both these buildings are Grade II listed and issues to do with physical works to them are not part of this planning application and are considered in the Listed Building consent application which is the next item on the agenda. However it is relevant here to consider how the new build development affects the setting of these Listed Buildings.

4.17 Policy Context: This is set out in Planning Policy Guidance Note 15: Planning and the Historic Environment, and Policy HE4 of the City of York Draft Local Plan. These allow for alterations to listed buildings and development around listed buildings providing their character, appearance and setting are preserved.

4.18 The scheme proposes an element of new development along the southern perimeter adjacent to the York City football ground. The new houses would stand on either side of the listed nursery building. A key issue therefore is the impact these houses will have on the setting of this listed building.

4.19 The layout has evolved slightly through amendments, principally to allow for more space around the nursery entrance, so that the key elements of this building such as the porch and oriel window will have more "breathing space" and they will be seen from further away. The amendments also allow the building to appear slightly less cramped and therefore stand better within its own private space. Minor adjustments have been made to the details of the new build houses and these slightly reduce the apparent scale and keep the eye at eaves level. Materials use has been simplified but the design and appearance remains largely contemporary. Officers have not objected to this as it was felt that there would be little value in trying to copy the style of the listed building given its unique school architecture design and the desire for this to retain its own historic identity.

4.20 Officers acknowledge that the development remains a little cramped and ideally the new build would be more modest in size and maintain more space around both the nursery building and also in the north west corner of the site closest to the main school building. However, what the new build does provide is its own identity. It is a development based on a central courtyard theme and this and the triangular shape of the site largely dictates its layout. The new buildings represent a form of "enabling development" and would facilitate the complex refurbishment of the existing listed buildings, which given the length of time they have now been derelict, is an important

consideration. Planning Policy Guidance Note 15 states, “new uses may often be the key to a building’s preservation and controls over land use, density, plot ratio, daylighting and other planning matters should be exercised sympathetically where this would enable a historic building to be given a new lease of life”. The building has been empty for over seven years and it is deteriorating. Officers therefore support the proposals as they would give new life to the existing structure and its site whilst preserving the school buildings as a recognisable Brierley school which has served the local community over many years. The increased height of the new buildings represent a more dominant form of development but the distance and relationship with the smaller listed nursery building is considered acceptable in this case as copying its relatively modest size could have resulted in a somewhat uneasy relationship. It also provides enclosure to the southern side of the central area, where the tar-macadam playground will be substantially removed in favour of green landscape and car-parking.

4.21 The new build work adopts a version of the pronounced dormer windows which are a distinctive element of the Brierley building and the materials palette of the new buildings (mixture of render and timber boarding) has been chosen with differentiation in mind. Although the setting of the building has been altered by the proposed new work, it is considered that the integrity of the earlier school buildings can still be perceived on site and these can be read clearly within the new development. Therefore officers conclude that the proposed new development does not adversely affect the setting of the Listed Buildings on site.

Design, appearance and residential amenity.

4.22 Policy GP1 of the Draft Local Plan states that new development proposals will be expected to be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character, incorporate good quality landscape proposals and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or be dominated by overbearing structures.

4.23 With regard to this proposal it is considered that the density and grain of development as a whole is compatible with the surrounding area, which in itself, is of a high density. The impact on the general amenity of existing neighbours through overlooking and loss of privacy is fairly limited because much of the outlook from the development is either contained within the boundaries of the site or in the case of the rear elevations of the development on the southern boundary, out over the football ground. The main school elevation facing Shipton Street will utilise existing windows and whilst it is acknowledged that the proposal introduces residential accommodation into the building, the windows are quite high level and the separation distance between these and the houses on the opposite side of Shipton Road replicates existing front elevation, terrace to terrace relationships in the vicinity.

4.24 The main impact of the development will be on the houses closest to the side elevations of these proposed new build houses. Principally these would affect no.'s 41, 43 and 45 Newborough Street and no's 2 and 4 Shipton Street.

4.25 With regard to the properties on Newborough Street, the rear of these houses will face the side elevation of the southeastern most block of new houses and the plans show that they will present a blank gable end wall to Newborough Street. The separation distance at this point is 11 metres, which is considered adequate in an urban setting. The height of this elevation is 9.5 metres which is also higher than the Newborough Street houses. However, given the local character of high density terrace development where a distance of 11 metres prevails across streets in a front to front relationship, officers consider that on balance, the relationship is acceptable. The new houses are almost due west of the existing houses on Newborough Street and therefore should retain the same levels of sunlight into the rear of these properties as they do presently, save for some loss late in the day. However, officers do not consider the extent of this loss to be materially harmful. There is a private alleyway running along the rear of the Newborough Street houses which separates these houses from the application site. This helps to retain some sense of space between the two sites and means that the easternmost new house will not stand immediately adjacent to the rear boundary wall of no's 41-45. This helps to increase the sense of separation a little and dilute the perception of the development dominating the outlook and creating an unacceptable sense of enclosure when viewed from the rear of no's 41-45 Newborough Street. There are no windows proposed in this side elevation and a condition removing PD rights for new openings is recommended (condition 17).

4.26 With regard to the impact on no's 2 and 4 Shipton Street, the proposed new building in the north west portion of the site stands to the rear of no. 2 and is adjacent to a rear yard area. There is no direct overlooking of this land from the new houses and a condition is also recommended to prevent new openings being placed in this elevation without prior consent. There is presently a high wall on this boundary and this helps to offset the presence of this building close to the boundary and prevent overlooking from ground floor rooms over adjacent land. The distance from the rear elevation of no. 2 Shipton Street to the front elevation of the nearest new house is approx. 14 metres and again this would generally be considered to be substandard. However, the facing windows are both bedrooms and 14 metres would be in accordance with other separation distances in the area. Given this and the constraints of the site and affordability of the scheme in general, on balance officers consider this to be acceptable. The occupiers of no.2 have written to express concern that the development appeared to include land owned by them. However, officers are confident that the development is contained within the site boundaries of the former school. If this is not the case then this would be a civil matter between the two parties.

4.27 With regard to the existing school building, the conversion will result in one opening at first floor level overlooking the rear area of no. 67 Newborough Street. This will be a bedroom window and officers do not consider the amenity of this neighbour to be materially harmed by this.

4.28 Within the site itself, the distances between the front of the main school building and the new houses range from between approx. 47 metres in the eastern portion of the site to approx. 10 metres in the western portion. However, the development has been designed to reflect an enclosed courtyard design and the separation distances achieved reflect the triangular nature of the application site. The two distinct parts of

the development stand at approx. 45 degrees to one another and so views between the developments across the internal landscaped area are slightly oblique. However, in order to offset any harm this may cause between the closest habitable room windows (in the north west portion of the site only), the bottom panes are shown to be obscure glazed. Officers raise no objection to this.

4.29 Within the main school building itself, the two rows of houses are separated by the aforementioned central corridor. Entrances and front rooms to these houses are across this corridor from one another at a distance of only 4.4 metres. In order to offset any harm this may cause, all the units show bathrooms facing out onto this corridor with obscure glazing. This is considered acceptable.

4.30 Lights from the headlamps of cars using the internal parking area could shine within the ground floor rooms of some of the units but landscaping and other forms of enclosure within the site should help to filter this to acceptable levels. The front elevations of the houses in the south eastern corner of the site have garages and entrance doors only at ground floor level.

#### Landscaping.

4.31 A landscaping scheme has been agreed with officers. The central courtyard area will be laid to grass with tree and shrub planting within it. The use of block paving in this area is recommended in order to give the impression of small courtyards attached to the central green space. Whilst not a large area, the space introduces an attractive open area within the central portion of the site and this helps to unite the old and new building blocks. The area provides a reasonably sheltered and attractive communal area.

#### Sustainability.

4.32 A sustainability report was submitted with the application. It is pointed out that the application was submitted prior to the approval of the Council's Interim Planning Statement on Sustainability. A large part of the development involves the conversion of an existing building and this obviously makes use of existing materials. The site is also in a highly sustainable location. The sustainability statement offers a commitment that the development will achieve the Code for Sustainable Homes Level 3 and a condition is recommended to reflect this. Subject to this, officers raise no objections on the grounds of sustainability.

#### Drainage.

4.33 Foul and surface water drainage are proposed to be disposed of to existing systems. Yorkshire Water raised no objections although they offered some comments on the discharge of surface water and restricting rates of discharge, nominally to the level of run off and rate of discharge from the previous use of the site. Conditions are recommended to control this (conditions 20 – 23 inclusive).

#### Open space and Education provision.

4.34 A commuted sum contribution will be paid for off-site recreation open space as there is no scope for on-site provision. This will be included in the Sec. 106 agreement. There is no requirement for an education contribution.

## **5.0 CONCLUSION**

5.1 The scheme secures and brings back into use an important listed building which has been unused for a considerable amount of time. The extent of the new build elements of the development are considered to be acceptable and they do not adversely affect the setting of the listed buildings nor do they materially harm the amenity of existing neighbours. This new build is effectively an enabling development to help facilitate the work required to convert the existing building.

5.2 Subject to a Sec 106 agreement being agreed and on-going negotiations over the proposed community room use, officers support the application, subject to conditions.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

Drawing no's  
600.006 Rev. D  
600.005 Rev. J  
600.008 Rev D  
600.011 Rev. E  
600.010 Rev. E  
600.007 Rev. E  
600.013 Rev. B  
600.012 Rev. C

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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- 1:20 sections through external walls showing the relationship between the different finishes and the position of windows etc., to be supplemented by 1:5 details of eaves, verges, window and door heads
- Large scale details of dormer windows and rooflight including sections.

Reason: So that the Local Planning Authority may be satisfied with these details.

- |    |        |  |
|----|--------|--|
| 5  | HWAY1  | Details roads,footpaths,open spaces req. |
| 6  | HWAY7  | Const of Roads & Footways prior to occup |
| 7  | HWAY14 | Access to be approved, details reqd      |
| 8  | HWAY18 | Cycle parking details to be agreed       |
| 9  | HWAY19 | Car and cycle parking laid out           |
| 10 | HWAY30 | Non-protruding garage doors              |
| 11 | HWAY31 | No mud on highway during construction    |

12 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

(car club bay and buildouts as indicatively shown on drwg no. 600.002 Rev G)

Reason: In the interests of the safe and free passage of highway users.

- |    |        |                     |
|----|--------|---------------------|
| 13 | HWAY40 | Dilapidation survey |
|----|--------|---------------------|

14 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess

the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases, where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
- archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### b. Submission of Remediation Scheme

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 prepared, and is subject to the approval in writing of 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 IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 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 in accordance with the requirements of condition 1, 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 in accordance with condition 1.

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.

16 ARCH2 Watching brief required

17 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A-E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents and in order to prevent harm to the historic significance of the site through uncontrolled development, the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

19 The development hereby approved shall be constructed to at least Level 3\*\*\* under the Code for Sustainable Homes (CSH). A CSH final certificate shall be submitted to the Local Planning authority prior to occupation of the building. Should the development fail to achieve CSH level 3 a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason. In the interests of sustainable Development.

20 Peak surface water run-off from the development shall be attenuated to 70% of the existing rate, in accordance with a scheme to reduce run off to be submitted to and agreed in writing by the Local Planning Authority (based on 140 l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for 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 shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Details of run off rates including calculations of both the existing and proposed rates shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

21 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.

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

Reason. To ensure that the development can be properly drained.

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 All New doors and windows for the houses shall be timber. Details of these shall be submitted to and agreed in writing by the Local Planning Authority prior to their insertion.

Reason. In the interests of good design and appearance and in order to protect the historic environment.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. 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:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

## 2. 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 residential development.
- Affordable Housing.
- Access and Highway safety.
- Impact on the setting of the Listed Buildings.
- Residential amenity.
- Landscaping.
- Sustainability

As such the proposal complies with Policies ED6, H4A, H5, H2A, C6, L1C, T4, GP1, GP4A, HE2 and HE4 of the City of York Local Plan Deposit Draft and national guidance in PPG15.

## 3. INFORMATIVE:

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

### **Contact details:**

**Author:** Matthew Parkinson Development Control Officer  
**Tel No:** 01904 552405