

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 22 April 2010

**Ward:** Guildhall  
**Parish:** Guildhall Planning Panel

**Reference:** 10/00066/FUL  
**Application at:** Stores/Warehouse Galmanhoe Lane York YO30 7DZ  
**For:** 4no. three storey dwellings following demolition of existing buildings  
**By:** HHB Investments Ltd  
**Application Type:** Full Application  
**Target Date:** 30 March 2010  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Planning permission is sought for the demolition of a redundant brick built workshop and a prefabricated office building and the erection of 4 no. dwellings. It is proposed to erect the dwellings in the form of a terrace. A walkway will be provided between plots 2 and 3 to allow access to these plots. Access to the rear of plots 1 and 4 will be created from the west and east side respectively. The applicants propose to use the existing vehicular access (Galmanhoe Lane) to serve these properties.

1.2 This scheme has been amended since it was originally submitted. The revised scheme makes the following changes:

- The scale and height of the original town houses proposed has been reduced to reflect the more intimate nature of the lane. The eaves and ridge height have been lowered to the proposed dwellings. The ground level of the houses will fall with the site away from Marygate.
- The details and materials of the development have been changed to introduce an informal character, which is more typical of this former service area.
- The design of the roofs facing the lane has been simplified with rooflights replacing the majority of the dormer windows, thus reducing the scale of the development.
- The design of the roofs facing the service yard to the rear has been remodelled and it adopts a more contemporary character - still using natural materials.
- Waste bins and parking spaces have been removed from the lane. The agent has confirmed that provisions for off-site parking spaces was being investigated for plots 3 and 4.
- Natural setts and sandstone flags have been substituted for brick tegular paving to assist in preserving the historic character of the lane.

1.3 The proposed dwellings, if approved, would measure:-

- Plots 1 and 2 – 9.80 m in length x 6.0 m in width x 6.70 m in height to eaves level and 9.90 m in height to ridge level; and
- Plots 3 and 4 – 9.80 m in length x 5.3 m in width x 6.00 m in height to eaves level and 9.60 m in height to ridge level. These dwellings will be approximately 800 mm lower than plots 3 and 4.

1.4 The height of plots 1 and 2 have been reduced in overall height by 600 mm, whilst plots 3 and 4 have been reduced by 200 mm.

1.5 In addition to plots 1 and 2 being higher, their design differs to plots 3 and 4. The differences are:-

- 1 no. dormer window to front elevation; and
- 2 no. dormer windows to rear elevation;

1.6 Plots 3 and 4, if approved, would have 2 no. rooflights to the front, and 1 no. dormer and rooflight to the rear.

## SITE

1.7 The site is located within York's Central Conservation Area. The site is almost rectangular in shape and measures approximately 0.051 ha. The site is located to the rear of Marygate, behind the Coach House Hotel.

1.8 The site consists of a 2 derelict buildings. The site was previously occupied by the York Archaeological Trust. The office building, is a 2-storey temporary flat roofed building, whilst the workshop is single storey in height, built of brick and has a corrugated asbestos roof.

## HISTORY

1.9 No relevant recent history.

## REASON FOR APPLICATION BEING PRESENTED TO COMMITTEE

1.10 The application was referred to Planning Committee by Councillor Brian Watson, due to the sensitivity of the site and possible impact of the development upon adjacent neighbours.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

## 2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYHE2  
Development in historic locations

CYHE3  
Conservation Areas

CYHE5  
Demolition in Conservation Areas

CYGP9  
Landscaping

CYGP10  
Subdivision of gardens and infill devt

CYH4A  
Housing Windfalls

CYL1C  
Provision of New Open Space in Development

CYH5A  
Residential Density

CYH3C  
Mix of Dwellings on Housing Site

## 3.0 CONSULTATIONS

INTERNAL – ORIGINAL SCHEME

### **Environmental Protection Unit (EPU)**

3.1 advised the imposition of conditions relating to recommended hours for carrying out construction work, contaminated material and an informative relating to the carrying out of works on site.

## **Highway Network Management (HNM)**

3.2 The officer noted that Galmanhoe Lane suffers from sub-standard sightlines at its junction with Marygate. The officer noted that if that if the proposed development represented an intensification of use of the site/junction, it would probably not be acceptable. Whilst the officer recognised that the site is currently derelict, a change of use from commercial to residential would generate less traffic and is therefore preferable.

3.3 The officer also noted that there are several other properties currently served off Galmanhoe Lane, all have on-site turning facilities of some description. The officer notes whilst plots 1 and 2 provide adequate turning, plots 3 and 4 do not. Plots 3 and 4 would most likely encroach upon private land when turning. The officer considered that it would be unsafe to reverse out of this lane and advised that the lack of turning should be addressed and amended accordingly.

3.4 The officer also noted that the site is situated within a residents parking zone, which is already oversubscribed. This site, if approved, would not qualify for inclusion within the scheme. Should the application be approved the applicant would be liable for any costs ensued in amending the traffic regulation order that controls this zone.

## **Life Long Learning and Leisure (LLL)**

3.5 LLL advise that, should the application be approved, a condition should be added requiring the applicant to forward funds for the provision of open space within the York area.

## **Council's Education Department**

3.6 The Council's Education Department seek no contribution towards school places.

## **York Drainage Consultancy**

3.7 The Council's Drainage Engineer commented that the site was located with a low flood risk area, as a consequence he had no objections to the scheme. He advised that full drainage details should be submitted prior to the commencement of work on site.

## **Economic Development**

3.8 The Council's Economic Development Officer has no objection to the loss of this employment site.

## **Conservation**

3.9 The Council's Conservation Officer requested additional information concerning land levels, justification for demolishing the existing units, scale of the proposed new dwellings at the rear of the existing property (Public House), design of the proposed dwellings and the possible overdevelopment of the site.

3.10 As a consequence of the concerns raised by officers, the applicant agreed to amend the scheme and formally submitted an amended scheme. Due to time constraints, the consultation period does not expire until after the report needed to be finalised. Therefore committee will be verbally updated about any comments which were received after the report was finalised.

### **INTERNAL – AMENDED SCHEME**

#### **Highway Network Management (HNM)**

3.11 The Officer generally supports the scheme. He was concerned about plots 3 and 4. In particular about there being no car-parking for units 3 & 4. He did however recognise that this has been accepted before for various other development within the city centre. He did however note that units 3 and 4 are bounded by flagged areas that could provide car parking. The officer does not consider this a suitable area for car parking and could create congestion within the lane or the need to use neighbours land to manoeuvre. The officer considered that should permission be granted, permanent measures should be included to prevent this area being used for car-parking, e.g. by erecting either a fence or bollards.

3.12 However, the officer was still concerned that even with bollards or a fence, it would not remove casual callers, service vehicles or the need to get close to the dwellings to off load heavy or large objects. Such occurrences, albeit infrequent, could still result in turning and reversing problems and possibly create an obstruction.

3.13 The officer recommended that plots 3 and 4 be altered. The officer favoured an integral garage being introduced into these dwellings, therefore creating a car park for each dwelling and creating an adequate turning area.

## **Conservation**

3.14 The Council's Conservation Officer noted that the two buildings currently occupying the site have little significance in terms of their contribution to the character and appearance of York's Central Conservation Area and therefore it was acceptable to demolish them. Furthermore the amended scheme was acceptable due mainly to the amendments in design and lowering of height.

### **EXTERNAL – ORIGINAL SCHEME**

#### **Conservation Areas Advisory Panel**

3.15 The Panel felt that the proposed scheme constituted overdevelopment of the site and that 2 properties of 2 stories would be preferable and also the style of the properties should be more modest.

### **Guildhall Planning Panel**

3.16 The Panel raise no objections to this scheme.

### **Neighbours**

3.17 Neighbours – Site notices were posted on the 05/02/2010. Comments were received from 6 neighbours. The issues raised by interested parties were as follows:-

- Plots 1 and 2 are too high and would have a detrimental impact upon the Conservation Area;
- The increase in traffic down Galmanhoe Lane would create congestion;
- There is poor visibility at the junction of Galmanhoe Lane and Marygate;
- The plans do not adequately indicate how vehicles visiting the site would be able to enter and leave the site;
- There is a significant potential of obstructing Galmanhoe Lane during demolition and construction works;
- Impact directly upon existing businesses;
- The proposed dwellings would shade the adjacent dormer bungalow;
- Overdevelopment of the site;
- How will asbestos be removed safely from the site?
- The residential dwellings are too close to the Post Office Club. There will be a conflict between the continuing use of the Post Office club and the residential amenity of the new dwellings;
- The proposed dwellings should be set further back into the site so as create adequate car-parking facilities for prospective occupants; and
- The existing drainage system would not be able to cope with the increased demand from the new dwellings.

### **EXTERNAL – AMENDED SCHEME**

3.18 A verbal update will be given to committee at the meeting.

## **4.0 APPRAISAL**

4.1 The main considerations are:

- Principle of development;
- Demolition of existing units;
- Design, Scale and Impact upon the Central Conservation Area;
- Impact on residential amenity;
- Highways Issues;
- Open space and education;
- Protected species; and
- Other matters.

## PRINCIPLE OF DEVELOPMENT

4.2 The site lies within the defined settlement boundary of York. The site is also located within a Conservation Area. Central Government guidance regarding new housing is contained within Planning Policy Statement 3 (Housing), policies H4a and H5a of the Draft Local Plan are also relevant. The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPS3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 60 dwellings per hectare should be achieved on this site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity. PPS5 addresses development within conservation areas and seeks a high standard of design which and policy HE2 and HE3 seek to protect development in Conservation areas.

4.3 The scheme proposes 4 dwellings within this plot. The density is approximately 78 dwellings per hectare (dwpha). The Council advises within the local plan that scheme within the city centre should exceed 60 dwpha. It is therefore considered that the scheme is acceptable and is not overdevelopment of the plot. Due to the location of the site and its proximity to local facilities and accessibility it is considered to be a sustainable location and therefore acceptable in principle. Other elements such as design and scale, impact upon the conservation area, impact upon the neighbours and highway issues are discussed below.

## DEMOLITION OF THE EXISTING UNITS

4.4 The existing units on the site are derelict and unusable. The large single storey warehouse is of rudimentary post-war construction in brick with concrete lintols and metal windows; it also has an extensive corrugated asbestos cement sheet roof. The 2-storey pre-fabricated concrete framed and panelled building is of modular construction (Terrapin) and has a flat roof. It has been built on ground raised above the level of the lane; and this adds to its comparative height within the area. Both buildings are typical of construction in the post war period when building materials were rationed and industrialized systems were promoted by central government. Whilst the buildings are interesting in their own right as evidence of the period of post-war austerity, neither building makes a positive contribution to the character and appearance of the conservation area.

4.5 Under PPS5 the comparative merits of the replacement buildings are a relevant consideration in determining the application. The characteristics of the lane are varied with high brick walls dominating its northeast side. These open out to a forecourt which reveals a former coach house towards the lower part of the narrow lane. Other

ancillary accommodation has been lost in this location in favour of creating car-parking at the bottom of sites now in commercial use and this has made the lane quite busy at times despite being a “dead end”. The end site is occupied by a late C20th dormer bungalow. Their historic value and architectural characteristics are such that they do not contribute positively to the setting of nearby listed buildings. Their demolition and removal is therefore supported.

#### DESIGN, SCALE AND IMPACT UPON THE CENTRAL CONSERVATION AREA.

4.6 The site is located along a narrow lane off Marygate which originally gave service access to the rear of properties on Bootham. It is within the part of the Central Historic Core conservation area which was extended in 1975 to include areas of sub-urban expansion outside the city walls.

4.7 This proposal involves the erection of four 2-storey dwellings with additional accommodation in the roof. Plots 1 and 2 would also have integral garages. The general setting of this particular area of Marygate/Galmanhoe Lane and Bootham, is that of a mix of commercial businesses and residential properties. At present, the street comprises of various types of buildings ranging from a detached bungalow, 2/3/4-storey dwellings and commercial units and also a detached dwelling adjacent the entrance to the site.

4.8 The emphasis of both PPS3 and relevant local plan policies is that development should maximise use of existing sites but that development should respect the character of the site and its surroundings.

4.9 The proposed scheme would introduce residential dwellings into a previously derelict site. The scheme would create 4 dwellings with yards enclosed by a new brick boundary wall. Part of the lane would be resurfaced.

4.10 Initially concerns were raised about the original scheme due to the height, the formal character of the houses, impact of parking, bin provision and the modern landscape design on the lane.

4.11 The amended scheme would help to define the southwest side of the lane. As each new dwelling would have a similar footprint to a terrace house, it is considered that they are acceptable in terms of their size. Their scale and character would help mitigate against the impact of the large and simple industrial buildings to the southwest and also the newer houses. It is therefore considered that the intimacy of the lane would be preserved and overall there would be an enhancement to the conservation area in this location.

4.12 It is therefore considered that this scheme satisfies all relevant policy requirements and is acceptable in terms of visual appearance and impact upon the conservation area.

#### IMPACT UPON RESIDENTIAL AMENITY

4.13 Occupants of residential dwellings have a high expectation of the level of privacy for rooms at the rear of their dwelling especially where such rooms face

towards their rear private garden. It is considered that the proposed dwelling would not directly overlook any adjacent neighbour to a significant degree or have a detrimental impact upon the private rear gardens of these dwellings due to shading and/or loss of light and aspect.

4.14 The relationship with existing neighbouring buildings within the area satisfies the requirements of policy GP1 of the local plan, in so much that the proposed dwellings would not have a detrimental impact upon their amenity in terms of privacy and levels of light.

## HIGHWAYS ISSUES

4.15 The principal outstanding issue concerns plots 3 & 4. Whilst they do not now have any formal parking areas, it is considered acceptable in principal due to their close proximity to the city centre, facilities and Marygate car park.

4.16 However, there are concerns that occupants or visitors would be tempted to park on the paved area to the front of the proposed plots. Another concern is that visitors to these dwellings would not have the opportunity to turn and would therefore have to reverse out of the lane, which could create a nuisance or be dangerous.

4.17 It would be possible to impose a condition requiring the paved area to be enclosed either by fencing or bollards. This would prevent occupiers and visitors using the area for parking.

4.18 With regard to service vehicles visiting the site and/or other vehicles visiting the site and having to reverse down the lane, it is not considered that this arrangement is significantly different to the existing situation now. As it would be possible to use the site for commercial activities without requiring planning consent, it can be argued that there could be a comparative situation or an increased situation of vehicles visiting the site and having to reverse down the lane. Indeed, residential properties would most likely have less impact than a commercial use. Furthermore, it is considered that there is adequate parking close by (Marygate car-park). Visitors to these dwellings could easily park at Marygate car park and walk to the site (approximately 5-10 mins). Commercial visitors to these plots, i.e. deliveries would either have to park further down Marygate and hand deliver items. This could be arranged with the occupants of the dwellings and happens often now with other similar sites within the City centre.

4.19 As a consequence, highways matters are considered acceptable subject to the imposition of suitable conditions.

## OPEN SPACE CONTRIBUTION

4.20 Under Policy L1c there is an open space provision requirement for this site. The provision of open space has been addressed by condition. There is no requirement for a contribution towards school places.

## PROTECTED SPECIES

4.21 A bat survey has been carried out on both buildings and the potential impacts

have been assessed. The survey found the buildings to have a low potential for supporting roosting bats, and officers agree with these conclusions. No evidence was found to suggest that either building had recently been used by roosting bats and based on these findings, officers do not consider it necessary to request any further survey work. As both buildings do present some potential habitat features however, and as the site is located within an area of high value to bats, it is considered that that measures should be put in place to avoid any potential harm should any bats be present during the demolition phase.

4.22 As the scheme involves the construction of four new 3-storey dwellings, there are also good opportunities for incorporating bat friendly habitat features into the designs of the new buildings. This would help to further increase the wildlife value of the site, and would also ensure that any habitat features potentially lost due to the demolition of the existing buildings are made available within the new buildings. Features suitable for incorporation may include special bat bricks, tiles or bat boxes. Again, this can be covered by a condition.

4.23 If any bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

## OTHER MATTERS

### **Land Levels**

4.24 A neighbour raised concerns regarding the lack of information provided concerning existing and proposed land levels and highway access. It is considered acceptable to seek details of this matter by the imposition of a suitable condition.

### **Contaminated Land**

4.25 Desk Study and Geoenvironmental Ground Investigation Report prepared by JPG (dated 8 January 2010) identifies a 2.3 - 3.35 metre depth of made ground across the site. This made ground was found to contain elevated levels of mercury, which could pose a risk to health. The report concludes that in garden areas, a suitable depth of made ground should be removed and replaced with clean imported subsoil and topsoil. The report also advises that gas membranes be incorporated into buildings to protect residents from mercury vapours and radon gas.

### **Sustainability**

4.26 Standard conditions have been proposed to ensure that the dwellings, if approved, are built to level 3 Code for Sustainable Homes and that 5% of their energy is generated from renewable sources (subject to agreement by the Council.)

### **Access to other business properties**

4.27 A number of objections have been received from neighbours who currently use Galmanhoe Lane. They object to the proposed scheme on the grounds that it will prevent 24 hour access to the properties and consequently affect their amenity and/or business operations. Galmanhoe Lane is a private road, as a consequence matters concerning rights of access are a legal matter between relevant parties and cannot be considered as a material planning consideration in the determination of this application.

## **Drainage**

4.28 Drainage is considered acceptable subject to the imposition of suitable conditions.

## **Health & Safety**

4.29 Asbestos is present within this site. Whilst a suitable condition has been imposed to require the safe removal of this potentially dangerous material as part of the Construction Management Plan (CEMP), this is principally a matter covered by the Health & Safety Executive.

## **5.0 CONCLUSION**

5.1 The proposed are acceptable in terms of design, scale and appearance and would not have a detrimental impact upon the amenity of neighbouring residents or the character of York's Central Conservation Area. As a consequence the proposed works are considered acceptable and are recommended for approval, in accordance with policies HE2, HE3, HE5, GP1, GP9, GP10, T4, H4a and L1c of the City of York Development Control Draft Local Plan and National Planning Guidance PPS1, PPS3 and PPS5.

## **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:-

Drawing no. 1623-201 – Site Layout and Contextual Elevation - Date stamped 31st March 2010

Drawing no. 1623-202 - Plans - Date stamped 31st March 2010

Drawing no. 1623-202 - Elevations - Date stamped 31st March 2010

Drawing no. 1623 - Plans and elevations - Date stamped 31st March 2010

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

3 VISQ7 Sample panel ext materials to be approved

4 VISQ8 Samples of exterior materials to be approved

5 Large scale details (1:5 & 1:20) 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. In addition all windows should be recessed back from the brickwork face and rooflights should be conservation rooflights.

- All windows;
- Dormer windows;
- Rooflights; and
- Doors and gates.

Reason: To ensure the external elements are visually acceptable within the conservation area.

6 Details of the metal guardings should 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.

Reason: To ensure the external elements are visually acceptable within the conservation area.

INFORMATIVE: Drawings should also show the structures in context.

7 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, B, C, D, E, F and G of Schedule 2, Part 1 and Class A, Schedule 2, Part 2 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 the Conservation Area, 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.

8 Notwithstanding the information contained on the approved plans, the ridge height of Plots 1 and 2 should not exceed 9.90 m and Plots 3 and 4 should not exceed 9.60 m, as measured from existing ground level at their north eastern flank walls. 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.

9 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 L1 of the City of York Draft Local Plan.

**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 £12,024.

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

10      HWAY10      Vehicular areas surfaced, details required

11      HWAY18      Cycle parking details to be agreed

12      HWAY19      Car and cycle parking laid out

13      HWAY31      No mud on highway during construction

14      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

15      Details of the bollards or railings to enclose the paved area to the front of plots 3 and 4 should 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.

16      DRAIN1      Drainage details to be agreed

17      All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

18      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 and b of this condition have been complied with:

#### a. 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.

#### b. 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.

19 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 the previous condition, 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 the previous condition.

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.

20 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council.

The measures should include:

- i. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- ii. Details of what provision is to be made within the new buildings to replace the features lost through the demolition of the original structures. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.
- iii. The timing of all operations

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason - To take account of and enhance habitat for a protected species. It should be noted that under PPS9 the replacement/mitigation proposed should provide a nett gain in wildlife value.

21 A large scale landscape scheme 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. Details should include description of materials, drainage covers, lighting, planting, bollards and other structures within and around the space including details of the boundary walls and bin enclosures.

Reason: To ensure the external elements are visually acceptable within the conservation area.

22 No building work shall take place until details have been submitted to and approved in writing by the local planning authority, to demonstrate how the applicant will provide from renewable sources, 5% of the building's total energy demand on land within the control of the applicant. Not later than 12 months after the building has first been brought into use, the applicant shall submit an Energy Statement to the Local Planning Authority, which details the percentage of the buildings energy consumption that has been derived from renewable sources. The development shall not be occupied until these works have been carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable development.

23 Prior to the commencement of development, a report demonstrating that the dwelling would comply with the Code for Sustainable Homes Level 3 assessment for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved report.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

## **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 the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with policies H3c, HE2, HE3, HE5, GP1, GP9, GP10, T4, H4a and L1c of the City of York Local Plan Deposit Draft; and National Planning Guidance PPS1, PPS3 and PPS5.

2. There are 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 attached to any planning approval, 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

3. 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:

Recovery of expenses due to extraordinary traffic - Section 59 D Hobson (01904 551367)

4. Under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to intentionally damage or destroy any birds nest whilst it is in use being built or to deliberately damage or destroy a bat roost. This is a requirement under Section 1 and 99 of the Wildlife and Countryside Act 1981.

5. If any bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

6. The site currently lies within the R12 Respark Zone. This zone is currently

considered to be under stress with 75 spaces and 89 permits issued; it is a recommendation therefore that this site be removed from qualifying for inclusion in the zone. The removal of the site from the zone will entail a modification to the traffic regulation order that controls the zone and as any such modification would be considered as a direct consequence of the development then any costs incurred will be expected to be borne by the applicant.

**Contact details:**

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