



1.4 A Public consultation was undertaken by the applicants in April 2013. 74 comments were received. Only 6 comments were against the proposals.

## PLANNING ALLOCATION

1.5 The southern half of the site was allocated for housing in the 2005 Local Plan. The allocation has been carried forward in the preferred options document for the new Local Plan (policy H3).

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Schools GMS Constraints: Burnholme Community College 0244

2.2 Policies:

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP9 Landscaping

CYH1 Housing Allocations

CYH2A Affordable Housing

CYNE6 Species protected by law

CYNE7 Habitat protection and creation

CYED4 Developer contributions towards Educational facilities

CYL1C Provision of New Open Space in Development

CYC1 Criteria for community facilities

## 3.0 CONSULTATIONS

### INTERNAL

#### Adults Children And Education

3.1 Seek a contribution towards primary school places of £47,937. This is to fund 4 additional places at Hempland Primary School.

#### Environmental Protection Unit

3.2 EPU has only received one complaint about noise associated with the club, in 2012 regarding noise from people attending a charity event. No further action was necessary. The existing club operates under a Club Premises Certificate issued under the Licensing Act 2003, which currently regulates the days and times when regulated entertainment such as live music or recorded music can take place. This is currently restricted to Friday to Sunday nights from 20:00 to 23:30, and on Tuesday nights from 18:30 to 20:30.

In addition further controls are placed on the certificate such that regulated entertainment shall be inaudible at the nearest noise sensitive premises, all windows and doors shall be kept closed during regulated entertainment, and all external drinking areas shall be vacated, cleared and cleaned by 22:00 on each and every day. As a result officers consider that adequate controls already exist to ensure that noise from regulated entertainment will not result in loss of amenity.

3.3 Officers do not object to the proposals, but recommend the following conditions in the interests of the amenity of surrounding occupants and in line with the council's low emission strategy -

- Construction management plan and the control of construction times.
- Noise levels of any external plant is agreed.
- If unexpected contamination is found, it is reported.
- Electric vehicle charging points are provided at the WMC and within the residential development

#### Flood Risk Management

3.4 Officers are content with the proposed site drainage arrangements. A condition has been requested to agree the full details.

#### Highway Network Management

3.5 Officers do not object to the proposals. It is asked that the developers offer either a free bus pass or cycle to future occupants. Comments on the scheme are as follows:

- The residential development is predominantly to be served via a new vehicular access onto Burnholme Drive. Visibility at the proposed access is in accordance with the relevant national guidance.
- The internal layout has been designed as a shared space with features to restrain vehicle speeds and manage on-street parking. Vehicle swept paths have demonstrated that a refuse vehicle can enter, turn and leave the site in a forward gear.
- The level of traffic that can be reasonably expected to be generated by the development is negligible (in the region of 23 two-way vehicle movements during the AM/PM peak periods) and will not have a material impact on the adjacent highway.

#### Housing Strategy

3.6 Officers support the application. It complies with the council's interim affordable housing approach by providing a minimum of 20% affordable housing on a brownfield site. The affordable homes are pepper-potted throughout the site in runs of no more than two affordable homes. The scheme proposes 3 x 2-bed houses - all social rent;

2 x 3-bed - 1 social rent, 1 discounted sale; and 2 x 2-bed flats - discounted sale.

3.7 The potential for all the units to be let at Affordable Rent (defined by the government as up to 80% of market rent) has also been investigated by the applicants, and it is proposed the potential for such is contained within the legal agreement.

#### Design Conservation and Sustainable Development (Sustainability Officer)

3.8 The preferred option to meet the 10% on site renewables council target for the houses is PV panels. Officers recommend a condition to demonstrate the targets are met. The applicants have not committed to reaching Code for Sustainable Homes Level 3 and this should also be required, in line with current policy.

#### Communities and Neighbourhoods (Public Realm / Open Space)

3.9 The site is on the margins of the 480 m catchment distance for the Stray Road Play area. As such, and given the number of dwellings, officers would like to see a young person's play area within the on-site open space.

### EXTERNAL

#### Police Architectural Liaison Officer

3.10 The Architectural Liaison Officer has recommended that the public open space provides a more natural environment of play for children. The use of mounds, logs, tree trunks, boulders etc interspersed throughout the space are recommended, rather than the proposal to concentrate traditional play equipment in one specific area of the site where, in officer's opinion, anti-social behaviour will be an issue for residents. It is suggested the play area is gated to restrict access at night-time.

3.11 It is noted that as recommended gates have been installed to prevent access to rear garden areas. A gate was recommended to prevent access to the side of the WMC, by the bin/cycle stores and the use of planting to provide defensible space to facades –both these items have been included in the revised site plan. In addition lighting was recommended, in the interests of security, in particular to entrances.

#### Heworth Planning Panel

3.12 Do not object but raise concerns over the lack of visitor parking for the houses.

#### Publicity And Neighbour Notification

3.13 Eight objections have been made to the planning application. The objections raised as a result of consultation are summarised as follows -

- The site should be developed as a facility for the locality, such as a school,

### **Highway safety**

- Lack of car parking for the club. The existing arrangement frequently leads to on street parking, which can have an adverse impact on highway safety. The concern is that the proposed development would provide fewer car parking spaces for the club, which would lead to increased on street parking.
- The site would be over-developed, - too many houses and a lack of car parking. There would be an undue increase in traffic and on-street parking in the locality. This will have an adverse impact on highway safety and the quality of the road surfacing will deteriorate. Residents have concern that Burnholme Avenue will be damaged. The road is not adopted highway and residents are responsible for the roads upkeep.

### **Crime and disorder / residential amenity**

- Anti-social behaviour, noise disturbance and increased litter as a consequence of the play space, which will be accessible all the time, without supervision.
- Moving the club closer to residential properties will increase noise and disturbance. It should be adequately sound-proofed. There will also be disturbance with people coming and going at night-time.

### **Design**

- Three storey buildings would be out of character with the area, which is characterised by 2-storey houses.
- The development would have poor levels of natural surveillance.
- The existing building is on the local list as a building of local and historical interest. It is also of architectural interest and makes a valuable contribution to the identity of the area. The building exterior has many interesting features that could be maintained and a new development could enhance these. The preference is for refurbishment of the building and re-use. This would be better for the area and a more sustainable option.

### **Drainage**

- Increased flood risk/surface water run-off over surrounding properties.

## **4.0 APPRAISAL**

### 4.1 The key issues are:

- Principle of the proposed development
- Visual impact
- Issues regarding the proposed children's play area

- The amenity of surrounding occupiers
- Sustainable design and construction
- Highway Network Management
- Open space and education provision
- Protected species
- Drainage

## PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.2 In principle, the proposed uses are compliant with both national and local policy. National policy requires Local Planning Authorities to significantly boost housing supply. The site is in an appropriate location for residential development; within the urban area, and it is classed as previously developed land, where policy steers new development. The site has been identified as being appropriate for housing by the Local Planning Authority; the undeveloped area of the site is designated for housing in the current and proposed Local Plans. The National Planning Policy Framework requires planning to be positive in the provision of community facilities; to enhance the sustainability of communities and neighbourhoods. Chapter 11 of the Local Plan seeks to retain community facilities and provide new recreational facilities where possible. The proposals are compliant with policy in this respect as a social club will be retained on site and a children's play area will be gained.

4.3 The loss of the existing building, which is a local landmark, is regrettable. However the building is not listed and not in a conservation area and it could be demolished under the prior notification procedure, which would not allow the Local Planning Authority to regard its local importance (the building is on the draft Local List prepared by the Open Planning Forum but this document does not yet carry any weight in the decision making process). Officers have advised that the preference would be retention of the building, but it is in a poor condition and inefficient, and the applicants advise it is not economically viable to continue to use the building as a social club or refurbish it for housing. There are no planning grounds on which demolition itself can be resisted. Conditions can require that the building is recorded before it is demolished and that demolition does not take place before evidence is provided there is contract in place for the re-development proposed including the replacement club facility.

4.4 There would be no loss of a community facility as the social club will be replaced. In addition children's play space will be provided on site and amenity open space is retained, with increased accessibility.

## Affordable housing / house types

4.5 The NPPF requires LPA's identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.

4.6 York's current policy is that on brownfield sites such as this the affordable housing on-site requirement is 20%. The target would be met in this case. This is explained in paragraph 3.6. The development is predominantly for 2 and 3 bed houses, which are the house types in most need in the city, according to York's Strategic Housing Market Assessment.

## Residential density

4.7 Unlike previous national policy, the NPPF does not impose any density targets; it requires that LPA's 'set out their own approach to housing density to reflect local circumstances'. The NPPF does ask that developments 'optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks'. Local Plan policy H5a seeks that residential density is at least 40 units per hectare in urban areas such as this.

4.8 The development would deliver a density of 46 units per hectare and there is amenity open space and children's play space proposed on site. The density could be considered high given that the social club and its car park are also accommodated within the site. However, rather than consider density alone, the proposals must be assessed considering whether the scheme is of appropriate design and respects the setting, in line with the thrust of the NPPF.

## VISUAL IMPACT

4.9 The NPPF advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In terms of housing design and layout the NPPF requires development is safe, accessible, fit for purpose, responds to local character and context and/or is of innovative design. Local Plan policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment. The proposals reasonably comply with these policy requirements.

4.10 The surrounding area typically comprises of semi-detached housing which fronts onto the street and where gardens back onto each other, the latter being recognised as a good means of providing security to private garden areas. The houses are from the first half of the C20 and have generous sized gardens, those which back onto the application site typically being over 20m in length.

4.11 The proposed development maintains the existing vehicle access point for the social club. Two-storey houses with back gardens wrap around the edge of the site and in the centre taller 3-storey buildings are proposed. The taller buildings will be screened by the surrounding proposed buildings and the trees, which are of amenity value, will be retained. A high quality landscaped setting is proposed. The proposals include new planting/landscaping and a paved public realm, which will give the feel of an area where pedestrians, rather than cars, have priority.

4.12 The two-storey houses adhere to the urban grain, although the back gardens are not as long as those on the earlier houses that surround the site, they are at least 6m in length, which is (just) reasonable for 2-bed houses. The houses will not be over-dominant over their neighbours given the separation between buildings.

4.13 The site can take the taller 3-storey development in the centre, considering the height of the building that will be replaced and the screening that would be in place. The houses in this area are orientated so they face onto the amenity area, to provide outlook over the space, activity and natural surveillance.

4.14 The proposed buildings would have red tiled roofs and in part be red brick, in keeping with the area. They would also be clad in render on the upper floors, incorporate timber entrance areas, and the 3-storey buildings have metal clad oriel (projecting windows). The houses proposed are of their time and differ to the street scenes of Burnholme Drive and Burnholme Avenue. The use of render can be accepted in this case as apart from the pairs of houses at each corner of the site (plots 1 and 2, 36 and 37) and the replacement social club, the buildings are set back from the street scene. These pairs of houses at the site access points would allude to the new development within the site, rather than unduly impose a different style which would unduly damage the street scene. The replacement social club is a community building, with a different use to the surrounding buildings, and therefore it is reasonable for this building to be of a different design to give it identity.

#### Secure by design

4.15 The houses have defensible space around them and secured/defined private rear areas. Security will also be improved for surrounding occupants, whose rear gardens will no longer be exposed. In this respect the development adheres to secure by design principles for residential developments. A lighting scheme can be agreed through condition.

## THE CHILDREN'S PLAY AREA

4.16 The Police Architectural Liaison Officer has raised issues with the type of play space proposed and notes that similar play spaces elsewhere have become areas where persons congregate in the evenings. This causes concern for residents.

4.17 There is a desire to accommodate a play space on site, due to the amount of houses proposed and due to the shortfall of such facilities in the locality. As such the play area remains part of the proposals. The facility will be for young children, requiring parental supervision. The type of play equipment will be as recommended by the Police Architectural Liaison Officer, more natural, rather than typical manufactured equipment. The amount of seating has been reduced and is no longer near the proposed houses. The detailing is to be agreed as part of the landscaping condition, and in consultation with the PALO.

4.18 It is not proposed to provide a means of enclosure for the play area, because this would have an adverse visual impact on the setting. The PALO recommended spacing the equipment over the open space. However as the facility is for young children, who require adult supervision, it is considered beneficial for the equipment to remain concentrated to a specific area. Additionally the proposed area has been chosen as it is open and overlooked, as recommended in Safer Places (national planning guidance), whilst other areas of the landscaped area would be under the cover of trees. The landscaped amenity space is intended to be used by the community for recreation, which will further assist with surveillance and discourage anti-social behaviour.

## THE AMENITY OF SURROUNDING OCCUPIERS

4.19 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. "Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development". Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

### Over-bearing/overlooking

4.20 Two-storey development is concentrated towards the edge of the site. Whilst the houses would be close to the site boundary (typically 6-8m) and resident's gardens would now be over-looked by upper floor windows, the new houses would be at least 30m from the existing and on this basis it is considered there would not be an unduly harmful impact.

## Noise and disturbance from replacement social club

4.21 As with the previous building the social club will be subject to controls through the Licensing Act. Environmental Protection Officers are content that the amenity of neighbours can be reasonably controlled through licensing and the planning system need not duplicate licensing legislation.

## SUSTAINABLE DESIGN AND CONSTRUCTION

4.22 In accordance with York's Design and Construction document the residential buildings will be required to achieve BREEAM Very Good. It is proposed at least 10% of their energy demand will be obtained by PV panels. These items will be secured through planning conditions. It is also proposed that the social club uses low/zero carbon technology and air-sourced heat pumps will be installed on this building.

## HIGHWAY NETWORK MANAGEMENT

4.23 The intention of the National Planning Policy Framework is to encourage sustainable modes of transportation. The NPPF advises that larger scale residential developments should be located within walking distance of schools and shops and developments should be designed where practical to -

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities
- establish home zones
- incorporate facilities for charging plug-in and other ultra-low emission vehicles

4.24 In terms of car parking the NPPF advises that LPA's can impose their own targets, the provision of parking on sites should consider -

- the accessibility of the development;
- type, mix and use of development;
- the availability of public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

4.25 CYC car parking standards are set out in the Local Plan, which sets the maximum standards of 1 car parking space for 2-bed units and 2-cars for 3-bed or larger units. There should be a visitor space per 4 units, which can be accommodated on street.

4.26 The location is appropriate for housing as it is within walking distance of public transport, education facilities and amenities within Heworth Village.

Cycle storage is provided for each dwelling and there would be approx 18 cycle spaces for the social club. A condition will require that electric vehicle charging points are provided within the residential area and these have been indicated on plan at the visitor parking spaces.

4.27 The level of car parking that is provided on site is in accordance with CYC Annex E maximum standards. Typically there is 1 space per dwelling, although 7 of the units have 2 spaces. There are 5 visitor spaces, less than the recommended 1 space per 4 units, but there is space for on street parking in the surrounding streets.

4.28 The development would have a home zone type public realm where pedestrians would have priority. This will be achieved through the informal, rather than engineered, layout and the high quality surfacing proposed.

4.29 The residential access road would have adequate visibility. The level of traffic expected to be generated by the development would be negligible (in the region of 23 two-way vehicle movements during the AM/PM peak periods) and will not have a material impact on the highway network.

4.30 The applicant has advised the car parking provision for the social club (14 spaces) will be appropriate, and typically it would be expected the majority of trade is from persons based in the locality. There are no standards in the Local Plan for social clubs. For information, a community centre would be expected to provide around 1 space per 20 sq m. The social club proposed has 350 sq m floor space, thus the provision would be broadly adequate for a community facility. On occasions when events were to take place or if clubs use the facility over-spill parking could occur on street (as will happen in other social clubs that are within high density residential locations).

4.31 A financial contribution is sought from the developers which will be spent in future, if necessary, on measures to control on street parking, if following monitoring this were to adversely impact upon highway safety.

## OPEN SPACE AND EDUCATION PROVISION

4.32 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers. Policy ED4 advises that in considering proposals for residential development any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers will be required to make appropriate financial contributions.

4.33 Open space - in accordance with policy L1c the applicant will make a contribution towards off-site provision of amenity open space and sports facilities within the area. Children's play space will be provided on-site. The space will be managed by the developer.

4.34 Education - a contribution of £47,937 towards education provision has been agreed. This is required to fund 4 additional places at the local primary school (Hempland Primary).

## PROTECTED SPECIES

4.35 Local Plan policy NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures. Policy NE7 relates to habitat creation and protection. It states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these. In new developments, measurements to encourage the establishment of new habitats should be included as part of the overall scheme. The policies accord with the thrust of the NPPF.

4.36 A bat survey undertaken at the site found no evidence of bat roosts within the building which is to be demolished. However it notes that the building has features that could attract bats. It is recommended further survey work is undertaken immediately prior to demolition, in case bats have taken up residence in the intervening period. A condition is recommended to require such, and that due care is taken during demolition (i.e. removing roof tiles by hand).

## DRAINAGE

4.37 The site is in flood zone 1, where flood risk is low. The site will be safe from flooding due to ground levels. Surface water run-off from the site will be controlled and consequently there will not be increased flood risk elsewhere. The drainage strategy has been agreed with officers and a condition is recommended to deal with the detailed design.

## 5.0 CONCLUSION

5.1 The proposals have officer support, this development would deliver housing, including affordable housing which is of the type and need required in the city. The site is suitable for housing; the scheme is acceptable on design grounds and retains trees of amenity value, and a community facility. There would be no undue adverse effect on highway safety and the amenity of surrounding residents.

5.2 Approval is recommended subject to a legal agreement which would secure -

- A contribution of £13,940 towards amenity space and sports facilities in the locality.
- A contribution of £47,937 towards education. To fund 4 additional places at the local primary school (Hemland Primary).
- Affordable housing - Either the proposed affordable housing provision (20%), or the alternative provision that all the houses are developed by a housing association and provided for affordable rent.
- £2k to be used as necessary towards the introduction of waiting restrictions in the vicinity of the site if necessary.

## **COMMITTEE TO VISIT**

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

1 TIME2 Development start within three years -

### 2 APPROVED PLANS

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

Proposed site plan  
R100.01.01 Revision G

Plans of replacement social club  
01 08

Houses  
01 02  
01 03  
01 04  
01 06  
01 07 rev B

Sections  
01 05 rev C

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

### 3 RECORDING OF BUILDING / DEMOLITION

No demolition or alteration shall take place until the applicant has submitted a complete Level 3 Building Record of the standing building (Burnholme, subsequently the Burnholme Social Club) to the Local Planning Authority and the City of York Historic Environment Record and the submitted Building Record has been agreed in writing by the Local Planning Authority.

The demolition shall not take place until a legally binding contract for the development hereby approved is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing with the Local Planning Authority.

Reason: The building is of local importance and considering its historic and architectural interest

### 4 MATERIALS

The materials used shall be as annotated on the approved drawings. Samples of the external materials to be used shall be 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 (samples to be provided on site for inspection).

Sample panels of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

5 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.

- a) entrances/porches and their surrounds, to include notes on materials.
- b) typical bay window details.
- c) windows (to be set in their reveal). Windows shall have timber or aluminium frames as detailed in the application and approved drawings.

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

## 6 LANDSCAPING

The development shall occur in accordance with the approved site plan. A detailed hard and soft landscaping plan shall be approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details.

The plan shall also include the following -

- a) Details of all walls and fences - to include location and design (note it has been agreed the block boundary wall along Burnholme Drive will be removed and replaced with soft landscaping).
- b) Protective measures for trees in the highway.
- c) Layout and type of equipment to be provided as part of the young children's play area (including seating).
- d) Lighting proposals (to include street-lighting and security lighting to entrance doors).

The approved details 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.

The play space shall be provided for the lifetime of the development and appropriately maintained at all times.

Reason: In the interests of visual amenity and to encourage sustainable travel.

## 7 TREE PROTECTION DURING CONSTRUCTION

Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones.

None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains.

The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

## 8 CODE FOR SUSTAINABLE HOMES

The development shall be constructed to at least Level 3 of the BRE Code for Sustainable Homes (CSH). A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve level 3 of the Code a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve level 3 of the code. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and Paragraphs 4.1 to 4.6 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

## 9 RENEWABLES

No building work on the houses shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate that no less than 10% of their predicted energy requirements will be provided from low or zero carbon technology. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter must be maintained to the required level of generation.

Reason: In the interests of achieving a sustainable development in accordance with the requirement of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

INFORMATIVE: Evidence should be provided in the form of SAP worksheets to demonstrate the requirement will be met. PV panels have been proposed as the preferred option for meeting this requirement.

## 10 DRAINAGE

The site shall be developed in accordance with the Drainage Statement & Flood Risk Assessment by Dosser Group Report no. 5464 and Peak surface water run-off from the proposed development must be restricted to a maximum 21.7 lit/sec.

Development shall not begin until the following foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- a) Full drainage layout and sections.
- b) Site specific details of the flow control devise manhole limiting the surface water to the 21.7 lit/sec.
- c) Storage volume calculations, using computer modelling, which 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. The full range of modelling shall be provided.
- d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- e) Proposed ground and finished floor levels to Ordnance Datum shown on plan. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- f) Details of the surface water connection into the existing sewer.
- g) Details of the future management / maintenance of the proposed drainage scheme.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

## 11 PROTECTED SPECIES

The development shall commence in accordance with the following measures to protect bats and mitigate for the loss of habitat -

- a) Prior to demolition of the building on site a final emergence and dawn survey shall be carried out to ensure bats are absent from the building. If bats are found then Natural England shall be contacted for further advice.

- b) Roof coverings and eaves boards shall be removed by hand.
- c) Details of what provision is to be made within the new buildings to replace the bat features lost through the demolition of the original structures shall be approved by the LPA prior to construction work commencing. The works shall occur in accordance with the approved details. 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.

Reason: To take account of and enhance habitat for a protected species in accordance with Local Plan policies NE1, NE6 and NE7.

## 12 CONSTRUCTION MANAGEMENT

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

The CEMP shall agree that all demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch 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.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

REASON: To protect the amenities of adjacent residents

## 13 CONSTRUCTION MANAGEMENT

Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours

- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

#### 14 LAND CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development, the findings shall be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment shall 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 2A of the Environmental Protection Act 1990.

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 ELECTRIC VEHICLE CHARGING POINTS

Before the occupation of the development, three Electric Vehicle Recharging Points shall be provided in accordance with the approved site plan. Within 3 months of the first occupation of the respective accommodation, the Owner will submit to the Council for approval in writing an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 25 years.

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

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

## 16 REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

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, D (porches), E (outbuildings); of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), no fences, gates, walls or other means of enclosure shall be erected other than those which would be to the rear of plots 3-20.

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

## 17 PLANT & MACHINERY

Details of all machinery, plant and equipment to be installed in or located on the social club building which is audible at the nearest residential property when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (L<sub>Amax</sub>(f)) and average sound levels (L<sub>Aeq</sub>), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: to protect the amenity of neighbouring residents from noise.

18 Prior to first occupation of the hereby approved replacement Burnholme Social Club, the following highway works shall have been completed in accordance with drawing(s) which have been submitted to and approved in writing by the Local Planning Authority;

a) Provision of a pedestrian footpath on the Eastern side of Burnholme Avenue from the junction of Burnholme Drive to the vehicular access to the replacement Burnholme Social Club car park together with associated ancillary works as may be required including dropped kerbs and tactile paving.

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to promote sustainable travel.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application.

The Local Planning Authority took the following steps in order to achieve a positive outcome: Pre-application meetings, the securing of revised plans and the use of planning conditions.

#### **Contact details:**

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