

## COMMITTEE REPORT

**Date:** 7 August 2014                      **Ward:** Clifton  
**Team:** Major and                              **Parish:** Clifton Planning Panel  
                    Commercial Team

**Reference:** 13/03727/FUL  
**Application at:** Bert Keech Bowling Club Sycamore Place York YO30 7DW  
**For:** Erection of 4no. two storey dwellings and 1no. three storey dwelling  
**By:** Mr David Brown  
**Application Type:** Full Application  
**Target Date:** 28 January 2014  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

#### APPLICATION SITE

1.1 The application relates to a vacant parcel of land located on the north side of Sycamore Place, between Elliott's hotel at 2-4 Sycamore Place and St Olave's School. There is an alleyway to the north, and the back gardens of houses along Bootham Terrace and Queen Anne's Road beyond. The surrounding houses are predominantly terraced, the houses to the south, along Sycamore Place and Sycamore Terrace, date from the early C20, although there is a group of mid C20 3-storey houses with integral garages on the south side of Sycamore Place (at nos. 3-11).

1.2 The site is presently vacant. It is privately owned and was previously the Bert Keech Bowling Club. The bowling facility has not been used since 2008. The club-house buildings were demolished in 2012. The site is designated as open space in the 2005 Local Plan and it is within the Clifton Conservation Area.

#### PROPOSALS

1.3 The application is for 5 houses; a 3-storey house attached to the side of no.4 and a terrace of 4 houses which would be lower at 2.5 storey. The houses would respect the existing building line and building heights would be comparable to the hotel at 2-4 Sycamore Place and 2a on the opposite side of Sycamore Place. Each house would have its own garage and car parking spaces. Vehicular access would be from Sycamore Place and Queen Anne's Road.

## BACKGROUND

1.4 The proposal was subject to a public exhibition held in May 2013. The plans were altered following the consultation. The main design alterations being that the houses have adopted a more traditional approach, considering the use of materials and form. The rear outshots were originally timber clad with green roofs and there was more glass and zinc cladding on the front elevation. The building proposed next door to the hotel was to be flats and this has been altered to a single dwelling with garden.

1.5 The application has been referred to the Sub-Committee by the Assistant Director (Development Services, Planning and Regeneration) under paragraph 8(f) of the delegation scheme due to the policy issues involved and the volume of public representations made.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Clifton CONF

DC Area Teams GMS Constraints: East Area (2) 0005

Schools GMS Constraints: Queen Anne 0253

2.2 Policies:

CYH4A Housing Windfalls

CYGP1 Design

CYGP15 Protection from flooding

CYGP7 Open Space

CYGP10 Subdivision of gardens and infill development

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE10 Archaeology

CYL1C Provision of New Open Space in Development

CYL1B Loss of local leisure facilities

CYED4 Developer contributions towards Educational facilities

## 3.0 CONSULTATIONS

### INTERNAL CONSULTEES

#### Archaeology

3.1 The City Archaeologist has recommended conditions; for a watching brief, archaeological investigation and to agree the foundation design, as the proposals will impact on archaeological deposits.

3.2 In order to understand the archaeology of the site and to facilitate development of the site, the applicant has commissioned a desk based assessment and an evaluation on the site. The archaeological evaluation in 2013 identified deposits associated with Roman metal working in the southeast area of the site. Pottery associated with the deposits shows that the industry was established by the 3rd century AD and had continued up until the late 3rd - 4th century AD.

### **Education Officer**

3.3 A contribution of £23,968 for this development is requested, for two places at the local primary school which is oversubscribed.

### **Flood Risk Management**

3.4 Officers raised objection to the original scheme, it was considered the proposed development would be unsafe, due to the proposed finished floor levels and there would be a loss in on-site flood water storage, which would increase flood risk elsewhere.

3.5 Officers are content that the revised plans address these issues. Planning conditions can be used to deal with flood risk and drainage.

### **Highway Network Management**

3.6 Officers raised the following points when considering the original plans-

- The proposed access onto Sycamore Place will require a number of amendments to the traffic orders for the parking bays which would need to be funded by the developers.
- The development would require a traffic order to exclude future occupants of the proposed houses from the over subscribed residents parking zone.
- There was concern not all of the car parking spaces/garages were workable. This has been addressed with the revised plans.
- A construction management plan should be sought to manage the impact on the highway network, considering the surrounding narrow streets and varying parking restrictions.

### **Sport & Active Leisure**

3.7 Officers recognise that this was a private facility and there is no obligation for it to become public open space. The bowlers from this site were relocated to alternative facilities (Clarence Gardens), as the green closed over 5 years ago.

3.8 Officers would be against the loss of open space in this residential area, as there is a shortage of children's play, amenity and sports provision in the locality. If this scheme is approved an off site contribution for amenity, children's play and outdoor sports provision would be required.

Based on current requirements, the contribution would be £18,340. This would be spent on sites within walking distance of the development. Current projects in the area include the provision of a junior football pitch, a youth bike track and enhancements to play facilities at Water End, which has been designed in response to local community consultation.

## EXTERNAL COMMENTS

### **Environment Agency**

3.9 The EA have no objection to the scheme, based on the revised flood risk assessment. The EA have recommended a condition that requires the development to be carried out in accordance with the FRA. The have also requested that if the scheme is supported, the LPA clearly demonstrate that the sequential and exceptions tests have been passed. It is noted that the LPA are also expected to assess whether the means of escape would be acceptable.

### **Clifton Planning Panel**

3.10 The planning panel welcomes the proposal, which would make good and effective use of what has become a somewhat derelict area.

3.11 The panel notes that there is also a technical objection regarding the status of the site (it is designated open space in the Local Plan), which will have to be resolved if the proposed development is to proceed. The panel does not regard it as within its remit to advise on this aspect.

### **Publicity**

3.12 There have been 16 Objectors to the scheme, two comments in support and one neutral. Comments are summarised as follows -

#### Loss of open space

3.13 The 2005 Local Plan designates the application site as open space. The loss of the space, without alternative provision, or demonstration that there are adequate open space typologies in the area, would be contrary to policy.

3.14 The development will result in the loss of a sports facility. Even if a bowling green isn't a viable use, there are other sports uses that the site could be put to - children's play, sports facilities for the school, etc. The plan put forward by St Olave's school to use the site as a sports facility would be consistent with the Active York Pitch Strategy document which identified that there are not enough high quality community accessible venues for the 62 Netball teams as well as other school teams that exist in York. There are also other uses to which the site could be put to. such as a community garden or allotments, which would also address the recognised shortage of open space in the Clifton Ward.

### Flood risk

3.15 The site is in Flood Zone 3. The site shouldn't be developed, as there are a number of alternative sites for housing that are unaffected by potential flooding. There is therefore no pressing need for this site to be developed.

3.16 According to the National Planning Policy Framework (NPPF) the proposed development is inappropriate. The NPPF stipulates that only 'water-compatible' and 'less vulnerable' uses of land are appropriate in flood zone 3, where the site is located. Dwelling houses are within the 'more vulnerable' classification of land and are therefore not appropriate for this site. This is particularly relevant when there is not a permanent safe route to evacuate the properties in flood events.

3.17 There is a chance that future occupants would be stranded in their houses in a flooding event, as there is not an adequate means of escape to safe ground. This would put the emergency services at risk.

3.18 As development would reduce the ability of the site to store surface water, it becomes necessary to provide compensatory storage for the water on site (to avoid increased flood risk off-site). There is no indication in the FRA of how this is to be achieved and there is no apparent location on the site where it would be possible to create the necessary compensatory storage volumes at appropriate levels.

### Amenity of neighbours

3.19 The Sycamore Guest House opposite will be overlooked, especially from the top floor windows.

3.20 The ability to ventilate the bathrooms at the neighbouring house (vents currently on side wall) and access would be lost.

### Highway safety

3.21 The properties are 5 bed, but only have 2 off street parking spaces each. There is potential for an increase in on-street parking as a result. It is noted that the site access would lead to the loss of one or two parking spaces and there would be further loss in car parking spaces during construction.

3.22 No cycle storage is shown - it is unlikely that sufficient space will be available within the proposed garages for a car and for bicycles which can be accessed easily and conveniently.

3.23 Concern over more traffic and on-street parking in what is already a congested area, due to the narrow streets, density of development and also the nearby schools. There is also concern as to how construction traffic would gain entry, in particular as Bootham Terrace and Queen Anne's Street are very narrow.

## Design

3.24 The side extension to house 1 does not appear integrated into the street scene. White aluminium window frames are proposed and these would be out of character with the conservation area.

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Principle of the proposed use
- Impact on heritage assets - the conservation area and archaeology
- Flood risk
- Residential Amenity
- Highway safety
- Open Space and Education contributions

### **Principle of the proposed use**

4.2 The site is designated as public open space in the Local Plan 2005. The National Planning Policy Framework, in paragraph 74, advises that existing open space should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements (previous planning guidance advised such a test should consider any open space functions the space could provide); or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

4.3 There is a reasonable argument that the proposals would not conflict with paragraph 74 of the National Planning Policy Framework. The site is surplus to requirements in so far as there is no longer a need for the bowling green and its former users have been relocated.

4.4 O'Neill Associates have advised that the neighbouring St Peters school are willing to acquire the space and that they would use it as netball and tennis courts. A plan has been provided showing how two courts would fit onto the site. It is considered this planning application needs to be determined on its own merits.

There is no guarantee the school would acquire the site and as noted, the landowners do not appear to be willing to agree to this proposal.

4.5 Local Plan policies L1b: Loss of Local Leisure Facilities and GP7: Open Space and are applicable. L1b advises that the loss of leisure facilities will only be permitted when it can be demonstrated that either a need for the leisure facility no longer exists, or where there are appropriate alternative facilities in the catchment area. In order for proposals to comply with the GP7 it must be satisfied that there will be no detrimental effect on local amenity and nature conservation and compensatory provision in the locality must be provided.

4.6 The previous use of the site, as a bowling green, is surplus to requirements and there is no conflict with Local Plan policy L1b. The demand for bowling greens is in decline; this has been confirmed by the Sport and Active Leisure Team. The closest bowling green facilities are at Clarence Gardens, Wigginton Road and Haxby Road, where there is capacity. The application site is privately owned and there is no public access. It has been vacant / closed for over 5 years, and the bowlers were re-located to Clarence Gardens.

4.7 The background text to policy GP7 notes that designated open space can serve various functions, providing recreation, amenity, nature conservation. The application site is private and does not provide recreational or amenity space. The site has a boundary hedge but has no significant value in terms of biodiversity.

4.8 Policy L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers. A contribution has been agreed with the applicants towards facilities in the locality. The contribution would be £18,340. This would be secured via a legal agreement. The immediate locality has a healthy supply of public amenity / open space due to the proximity of Clifton Ings and Museum Gardens. There is a lack of children's and young peoples play facilities in the area and this was identified in the 2008 Open Space and Recreation Study. The closest current Council project is at Water End, for a youth sport facility - including a junior football pitch, bike track and upgrading existing play facilities. The financial contribution towards open space, should the development go ahead, would likely be towards this.

4.9 The application site is suitable for housing in so far as the proposals are compliant with Local Plan H4a which relates to windfall housing sites (which is consistent with national planning policy). The policy requires consideration is given to the character of the existing site, location, whether the replacement scheme is appropriate in scale and density to its surrounds and impact on landscape. The scheme is in accordance with H4a because -

- The development would be on a vacant site in the urban area, which is within walking distance of the city centre.
- The proposed scale and density is relevant to the setting.

- There would not be undue harm to landscape features; openness will be maintained at the rear of the houses, and a vista through the site from Sycamore Terrace.
- The ecological value of the site could be enhanced through the planting of trees and introduction of domestic gardens.

### **Impact on the conservation area**

4.10 The site is within a designated conservation area (Clifton). Within such areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

4.11 The pertinent design guidance is contained within Local Plan policy HE2: Development within Historic Locations. HE2 states that within conservation areas development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area. On design, National Planning Policy Guidance advises that a well designed place is one that re-enforces local distinctiveness, giving consideration to the local pattern of street blocks and plots; building forms; details and materials; style and vernacular.

4.12 The appraisal for the Clifton Conservation Area identifies one of the positive aspects of the area as being the 'Victorian and Edwardian terraces and semis in the new suburban residential streets often developed in the garden grounds of frontage properties'.

4.13 The application site, along with the land on the opposite side of the street, where there are now later C20 3-storey houses, was left open as terraced housing was developed to the south at the turn of the C20. Whilst the openness provides relief and a wider outlook, it exposes the rear elevations of the houses to the north, and it is not fundamental to the wider setting that the site remains un-developed. Appropriate development of the site would maintain the character and appearance of the conservation area and enhance biodiversity.

4.14 The scheme would be compliant with relevant design based policies, both national and those in the Local Plan - GP1: Design, GP10: Infill development and HE2: Development in Historic Locations.

- The layout would respect local character. The houses would follow the existing building line and layout along this side of the street. There would be deep gardens at the rear, which would maintain openness along the alleyway, and the gap in the development would preserve open views from along Sycamore



Terrace, whilst removing views of the rears of terraces (Bootham Terrace and Queen Anne's Road), which are not typically exposed in the locality.

- The houses would be of appropriate shape and scale, with the building heights being comparable to neighbours. House 1 would be attached to 4 Sycamore Place and would be of comparable massing, the rest of the houses would be lower and of a similar scale to the houses opposite. Their lower scale would also be appropriate in relation to the school buildings at the end of the street.
- The scheme has been developed to be contemporary and in-keeping with its setting. It complies with the principles established in policy HE2; characteristic materials are proposed as main elements - red brick walls and slate roofs. The detailing, design features and their scale - the use of bay windows, identifiable entrances and dormers represent a contemporary interpretation of the historic townscape which dominates the area; an approach advocated in the background text to policy HE2, which recommends high quality contemporary design that respects its context, rather than being a 'pale reflection' of the existing built environment.

## **Archaeology**

4.15 The site is within the City Centre of Archaeological Importance. A desk based assessment and evaluation of the site has been undertaken which has identified deposits associated with Roman metal working in the southeast area of the site, dating from the 3<sup>rd</sup> and 4<sup>th</sup> centuries. Conditions will be required to ensure that the development accords with Local Plan policy HE10; Archaeology. It will be required that a watching brief on groundworks be undertaken and that the foundation design does not damage over 5% of archaeology (it would either be preserved in-situ or excavated).

## **Flood risk**

4.16 The site is in Flood Zone 3. In accordance with the National Planning Policy Framework in order for the proposals to be acceptable it must be demonstrated (in a site specific Flood Risk Assessment (FRA)) the development will be safe for its lifetime and not increase flood risk elsewhere (paragraphs 102 & 103). The development should also pass the sequential and exception tests.

### Flood risk elsewhere

4.17 Following revisions to the proposals there would be no loss of flood water storage on site, and consequently no increase in flood risk elsewhere. The scheme has been designed so there would be floodable voids below the houses, and flood water would flow into these areas. The storage area would provide space up to the

1 in 100 year flood level. No raising of ground levels would be permitted and ground levels would be lowered in parts of the rear gardens.

4.18 An underground storage tank would be installed on site, which would store water and restrict its flow rate into the drainage system, thus reducing surface water run-off in relation to existing rates. This would be compliant with York's Strategic Flood Risk Assessment.

### Flood resilience

4.19 The houses would be reasonably protected from flooding. The site is in Flood Zone 3. The 2013 York FRA requires in such cases that development is protected from 1 in 100 year floods, finished floor levels of dwellings should either be above the existing ground level or 600mm above the 1 in 100-year (1%) flood level (11.46m AOD in this case), whichever is the higher. The proposals have a finished floor level of 10.86m AOD which is the 1 in 100 year flood level and around 1m higher than surrounding ground levels. Flood gates could be provided, to protect up to the desired 11.46 AOD level, and the buildings would have flood resilient construction. Overall officers and the Environment Agency are content that the houses would be reasonably safe from flooding.

4.20 It would be required future residents sign up to the Environment Agency Flood Warning Service.

4.21 The means of escape would be from the rear of the houses, occupants would be aware of flood events given the amount of housing in this area already in Flood Zone 3 and closer to the river and via the Environment Agency flood warning service. The means of escape off-site would not be at the desired AOD level. However, there was a similar scenario at a site on Dennison Street (off Huntington Road) where residential development was allowed on appeal (planning application 11/01981/FUL), despite no safe means of escape. The appeal was allowed on the grounds that the dwelling(s) themselves would be adequately protected, as would be the case here.

4.22 Planning conditions would be necessary to secure the proposed measures in respect of flood risk and drainage.

### Sequential / Exception tests

4.23 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding, however where development is necessary, it must be made safe without increasing flood risk elsewhere. National Planning Practice Guidance gives advice on the sequential test and concludes that "ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere".

4.24 To pass the Exception Test it is required there are wider sustainability benefits to the community, which out-weigh the flood risk and there should be an appropriate site specific FRA.

#### Sequential test

4.25 The National Planning Policy Framework (paragraph 49) requires that planning enables a significant boost to housing supply, which means a presumption in favour of applications where housing development would be sustainable. The city has recently under-delivered on its annual housing targets and although housing sites have been allocated in the new Local Plan, these are subject to consultation and review before the plan is adopted. Many of the allocations are not deliverable in the short-term, only when the new plan is adopted. Recent appeal decisions have suggested the city does not have a deliverable 5 year housing supply; a national requirement.

4.26 There are other examples where residential development has been permitted in urban areas in flood zone 3 due to a combination of housing need and when site specific FRA's have been acceptable, for example at 34 and 36-44 Piccadilly and Student Accommodation schemes behind Walmgate, next to the River Foss.

4.27 Given the current lack of housing supply, as the proposed development is regarded as being acceptable in terms of flood risk and as the site is within an urban area rather than a less sustainable or green belt site, no objections are raised to the proposal in terms of the sequential test.

#### Exception test

4.28 The other sites referred to where housing has been permitted in Flood Zone 3 had considerable sustainability benefits in that derelict sites were regenerated and the vitality of the city centre enhanced. That needed houses are being supplied in a sustainable location is a sustainability benefit in this case. The development is associated with an acceptable site specific FRA which demonstrates that the proposed houses can be protected from flooding and flood risk will not be increased elsewhere, as flood water storage would be provided on site. On balance the scheme is considered to pass the exception test.

### **Residential Amenity**

4.29 The National Planning Policy Framework requires that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.30 The proposed development predominantly maintains the character of the area, considering building lines and massing, and consequently would not have an undue impact on its neighbours.

4.31 The rear building line would extend beyond no.4 (which is a guesthouse) by 3m but this element of the building would be single storey with flat roof. Previously the pavilion to the bowling club, which was single storey with a low pitched roof, sat against this boundary. The upper floors would not extend beyond the original rear building line of no.4.

4.32 The rear windows to upper floors of plot 1 would indirectly overlook the rear yard of no.4. The yard is a small area, which is all hard-standing; much of the rear plot has already been built over. There would be no undue overlooking in this respect. A planning condition can ensure that the flat roof first floor area to plot 1, which would be next door to 4 Sycamore Place, is not used as an outside amenity space as this would lead to overlooking between properties.

4.33 The occupants of no.4 raised concern that the proposed development would block outlets on their side elevation; vents for bathrooms etc. There would be a nominal gap between plot 1 and no.4 (shown on the proposed ground floor plan) to retain space for such vents.

## **Highway Network Management**

4.34 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
- incorporate facilities for charging plug-in and other ultra-low emission vehicles

4.35 The proposals comply with the National Planning Policy Framework in this respect as -

- The houses are in a sustainable location, within walking distance of the city centre
- Garages are proposed and are adequate size (6m by 3.5m internal) to store car and cycles.
- A condition can secure the provision of electric vehicle charging points at each dwelling.

- The layout has been revised to improve the accessibility of the parking spaces and there would be no material impact on the highway. The amount of car parking proposed is compliant with Local Plan standards. There would be no significant additional pressure on car parking on-street, as there are at least 2 off-street car parking spaces for each new house proposed. Also, it will be agreed through a legal agreement that future residents may not apply for res-park permits. The new access would lead to the loss of one on-street parking space; this is not regarded as a significant impact that would justify refusing the application.

## Education provision

4.36 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. There is no capacity at the local primary school. As such a contribution of £23,968 has been agreed.

## 5.0 CONCLUSION

5.1 The scheme would assist with housing supply in the city, which is a Government priority, and there are no significant adverse effects which would conflict with planning policy. Although the site is designated as green space in the 2005 Local Plan, it has not been used in such a way for the past 5 years. The scheme has been designed to mitigate against flood risk, and there would not be undue effects upon the character and appearance of the conservation area, residential amenity and highway safety. Approval is recommended, subject to completion of a legal agreement to secure -

- Open Space contribution - £18,340
- Secondary school provision - £23,968
- Funding of traffic orders, to amend res-parking in the area - £5k

## COMMITTEE TO VISIT

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

1 TIME2 Development start within three years

2 PLANS1 Approved plans -

Drawings 2270 02, 100, 101, 102, 103, 104, 105, 106, 107, 108 (revision B)

### 3 Materials

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.

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 construction. 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.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance and in the interests of the appearance of the conservation area.

### 4 Large scale details

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.

- Eaves
- Dormers
- Roof-lights - manufacturers' literature. To be conservation type with recessed fittings
- Any hand-rails / guarding to first floor terraces
- Front doors and their surrounds
- Windows and their surrounds
- Flood gates (illustrating how any housing for demountable flood barriers can be installed without detriment to the overall appearance).

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

### 5 Landscaping

Prior to occupation of the development hereby approved the hard and soft landscaping proposals and highways works, as shown on drawing 2270-100 REV A shall be implemented.

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

Reason: In the interests of the character and appearance of the area and to enhance biodiversity in accordance with paragraphs 58 and 109 of the National Planning Policy Framework.

6 ARCH1 Archaeological programme required -

7 ARCH2 Watching brief required -

8 ARCH3 Foundation design required -

9 Flood risk management

The proposed finished floor levels shall be 10.86 AOD, as shown on the approved plans.

The following measures to manage flood risk, as established in the revised AAH Flood Risk Assessment AAH/0111/12FRA dated April 2014, shall be installed/undertaken prior to occupation and maintained for the lifetime of the development -

- Provision of demountable flood gates at entrances to the houses.
- No sleeping accommodation at ground floor level.
- Residents sign up to the Environment Agency flood warning service.
- The creation of a floodable void/compensatory flood storage under the houses. There shall be no loss of flood water storage on site and calculations shall be provided to demonstrate such prior to commencement of the development.
- A maintenance agreement shall be put in place, and adhered to at all times, to ensure that the proposed floodable voids do not become blocked with silts or stagnant water and therefore remain available for the storage of flood water for the lifetime of the development.
- On-site surface water drainage storage capacity with restricted run-off rates.

Reason: To prevent flood risk.

## 10 Foul and surface water drainage

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

Details to include:

- Peak surface water run-off from the proposed development must be restricted to a maximum 5.5 lit/sec.
- Site specific details of the flow control device manhole limiting the surface water to the 5.5 lit/sec.
- Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
- 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.
- Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: To reduce flood risk and to ensure the proper drainage of the site.

INFORMATIVE: Consent should be sought from Yorkshire Water to connect additional foul and surface water into their sewers.

## 11 Electric Vehicle Charging Points

Prior to occupation of the houses hereby approved at least one electric vehicle charging point shall be provided within the curtilage of each unit.

Reason: to promote and facilitate the uptake of electric vehicles / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF). In particular in this case given the likelihood that future occupants would own private cars.

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing waterproof recharging unit capable of charging two electric vehicles simultaneously 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.



For further information on how to comply with this condition please contact City of York Council's Low Emission Officer Derek McCreadie.

## 12 Highway 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 and the development carried out accordingly. The statement shall include at least the following information;

- The routing that will be promoted by the contractors to minimise disruption to the highway network.
- Where contractors will park.
- 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 unduly be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

## 13 Construction Environmental Management Plan

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the 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.

Reason: To protect the amenity of local residents from noise dust and vibration.

## 14 NOISE7

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

15 The garages hereby approved shall be used for domestic vehicles / cycles and storage only and shall not be converted or altered in any way without planning permission.

Reason: To ensure that adequate storage and secure cycle parking provision is retained in accordance with policies GP1 and T4 of the City of York Draft Local Plan, and to provide space for floodwater storage.

## 16 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, B, C, D, E and F; of Schedule 2 Part 1 of that Order shall not be erected or constructed.

There shall be no changes to the design of the front boundary gates and railings.

Reason: In the interests of the amenities of the adjoining residents, the appearance of the conservation area and to avoid increasing flood risk, 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 The flat roof area to house 1 (at first floor level) shall not be used as an outside amenity area.

Reason: To ensure no undue impact on neighbour's amenity.

## **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 advice, requested revised plans, the use of planning conditions.

### 2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

### 3. CONTROL OF POLLUTION ACT

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise.

### 4. RESIDENTS PARKING

The applicant is asked to note that the development/property (as proposed), is not considered eligible for inclusion within the Residents Parking Zone, and it will be removed from such under the Traffic Regulations 1984.

Upon commencement of development on the site the applicant is requested to contact the Council's Network Management Section (tel 01904 551450), in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323