

A new pedestrian access from Fenwick Street would be formed to allow access to the bin store from Fenwick Street. The design also includes a ramp at the rear, replacement trees and boundary fencing.

1.4 Revised plans have been submitted that re-site the development outside the root protection area of the mature lime trees in Rowntree Park, correcting a minor detail in the drawings, and detailing a vehicular crossover and a smooth level surface for access across and into the site.

1.5 The site is owned by the Council, and the application has been submitted by Housing Services to meet a need identified in the latest Strategic Housing Market Assessment for 790 new affordable homes per annum. Cabinet approval was granted on 7 May 2013 to progress the site on Fenwick Street following a review of potential sites owned by the Council and their related planning constraints. The proposed development would contribute to Phase 1 of "Get York Building" that would provide 50-70 new council houses by 2015. It is intended that the application site would provide 8 No. modern, smaller, "downsizing" units that would release larger houses for rental.

APPLICANT'S PRE- CONSULTATIONS/MEETINGS

1.6 Housing Services consulted local residents and Ward Members, the Architectural Liaison Officer from North Yorkshire Police and the application was supplemented with a structural report, car parking demand survey, sequential test in respect of flood risk, statement of community involvement and a tree survey.

PLANNING HISTORY

1.7 There is no planning history specific to the application site.

SUPPLEMENTARY

1.8 The application has been advertised under S.123 of Local Government Act as the local authority as landowner wishes to dispose of the land for affordable housing. Members will be advised of the progress and outcome of the advertisement at the meeting.

1.9 The application is reported to Sub-committee because the City Council is the applicant and objections have been received.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Application Reference Number: 14/00713/FUL

Item No: 4a

Floodzone 2 GMS Constraints: Floodzone 2

2.2 Policies:

CYH4A-Housing Windfalls

CYGP1-Design

CYGP3-Planning against crime

CYGP4A-Sustainability

CYGP9-Landscaping

CYGP15-Protection from flooding

CYT4-Cycle parking standards

CYL1C-Provision of New Open Space in Development

CYED4-Developer contributions towards Educational facilities

CYNE1-Trees, woodlands, hedgerows

CYH2A-Affordable Housing

CYGP6-Contaminated land

CYL1B-Loss of local leisure facilities

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Landscape Officer)

3.1 No objections subject to conditions

Design, Conservation and Sustainable Development (Ecology Officer)

3.2 Initially considered an ecological assessment was required. A further response considered there would be no need for a survey if no potential for bat roosts but that the impact of lighting on the larger trees in Rowntree Park should be considered.

Highway Network Management

3.3 No objections subject to conditions

Flood Risk Management

3.4 No objections subject to condition. Flood risk assessment should be sent to Environment Agency for approval.

Public Realm (Strategy and Contracts)

3.5 Financial contribution required towards the provision of open space.

Education

3.6 No contribution towards education provision would be required if a downsizing scheme. Otherwise a contribution would be required to provide additional primary school places.

Environmental Protection Unit

3.7 No objections subject to conditions

EXTERNAL

Micklegate Planning Panel

3.8 Do not object, but regret the loss of an established open space

Environment Agency

3.9 No objections subject to 2 conditions that reduce the risk and impact of potential flooding

Neighbour Notification and Publicity

3.10 38no. representations and 1 petition with 36 signatures have been received that raise the following objections:

- Loss of valued open space/ children's play area/ community asset (29)
- Inappropriate scale/ overdevelopment/ design/ height (23)
- Adverse impact on amenity - overlooking/ overbearing/ loss of view from park/ noise/ anti- social behaviour (23)
- Parking-increased pressure in area, loss of parking (20)
- Increased traffic/ road safety/ road safety during construction (25)
- Poor/ Lack of local consultation (19)
- Adverse visual impact egg loss of outlook, overbearing, loss of view from park (18)
- Flood risk (18)
- Adverse ecological impact (11)
- Ground conditions (7)
- Tenure of tenants/ council tax band (2)
- Contrary to local and national planning policy (2)

3.11 One letter of support has been received that includes the following issues:

- Recognises need for affordable housing
- Requests more trees on site
- Possible restriction to 1 car/ tenant
- Ballot for residential parking scheme following development
- Replacement dog pooping areas
- Commuted sum directed to upgrading play equipment in Rowntree Park

Hugh Bayley MP

3.12 Acknowledges the need for affordable housing but requests that Members consider:

- a) the height of the development in relation to the adjacent development
- b) a re-design to allow part of the green to be retained as public open space
- c) whether the design is in keeping with the area.

4.0 APPRAISAL

4.1 KEY ISSUES

- The principle of residential development
- Affordable housing
- Design and visual appearance
- Amenity of surrounding and future occupiers
- Highways
- Drainage/ Flood risk
- Contaminated Land
- Sustainable Design and Construction
- Open space/ Education Provision
- Ecology

PLANNING POLICY

4.2 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. One of the core principles within the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The use of previously developed land is encouraged. The Framework places strong importance on significantly improving the supply of quality affordable and market housing to meet identified needs.

4.3 The relevant development plan is the City of York Council Development Control Local Plan (2005). The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. The relevant policies include:

- POLICY GP1 ' Design' is a general design policy in the Local Plan that, inter alia, seeks to ensure that new development respects its surroundings.
- POLICY GP3 ' Planning against Crime' aims to ensure that new development incorporates appropriate crime prevention measures
- POLICY GP4a ' Sustainability' requires all new developments to have regard to the principles of sustainable development.
- POLICY GP6 'Contaminated Land' requires an assessment if land may be contaminated, and appropriate remediation if necessary

- POLICY GP9 ' Landscaping' requires development proposals to include landscaping if appropriate
- POLICY GP15a ' Development and Flood Risk' ensures development would not result in the net loss of floodplain storage capacity, impede water flows, and would not increase flood risk.
- POLICY H2a ' Affordable Housing' requires affordable housing to be provided in line with the 2002 Housing Needs Survey
- POLICY H4a ' Housing Windfalls' allows for residential development on unallocated land if appropriate
- POLICY T4 'Cycle Parking Standards' requires cycle provision in new developments if appropriate
- POLICY ED4 ' Developers Contributions Towards Education Facilities' seeks developer contributions towards the provision of additional school places if appropriate
- POLICY NE1 ' Trees, Woodlands and Hedgerows'
- POLICY L1b ' Loss of Leisure Facilities'
- POLICY L1C ' Provision on New Open Space in Development' seeks developer contributions towards provision of open space facilities if appropriate
- POLICY NE1 ' Trees, Woodland and Hedgerows' offers protection of trees where appropriate, and prevents the loss of significant trees

ASSESSMENT

PRINCIPLE OF DEVELOPMENT

4.4 National policy requires Local Planning Authorities to significantly boost housing supply. The site is in a sustainable location for residential development within a residential part of the urban area. The National Planning Policy Framework requires planning to be positive in the provision of community facilities and to enhance the sustainability of communities and neighbourhoods.

4.5 The Council has undertaken a comprehensive review of land assets held under the Housing Revenue Account and there are few sites suitable for the development of new social housing. Fenwick Street has been identified as one such site to meet the housing needs of people on the housing waiting list. A sequential test demonstrates that the Fenwick Street site would significantly contribute to the Council's commitment in the Housing Revenue Account Business Plan to assist people in housing need to access social housing within a 3 year rolling programme to develop new council housing.

4.6 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; 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.

Local Plan Policy L1b: Loss of Local Leisure Facilities 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.

4.7 The site comprises an amenity space with low fencing and open access, in a residential area of mixed housing types. Although it would appear that most properties have access to some private open space, the representations received indicate that the application site is a valued and popular open space in the locality, which is permanently open, allows community events and informal play. The site, however, abuts Rowntree Park, which provides recreational facilities and open space that aim to meet the needs of the local residents. Whilst the amenity space has no formal designation as an open space in the Local Plan, it is acknowledged that it is valued as informal open space especially when Rowntree Park is closed at night. The loss of the amenity space is a particular concern to residents but it does not have the same protection from development as a designated open space and must be weighed against the need to provide social housing in the City.

4.8 On balance, it is considered that the residential use of the site would be appropriate in this largely residential area. Whilst there would be a loss of informal amenity open space that has local value, there would be no loss of designated formal open space. It is considered that the proposed residential development would be of a scale, design, and layout that would fit comfortably within its suburban surroundings. For these reasons the principle of the proposal is considered to comply with Policy H4a 'Housing Windfalls' which seeks to ensure that windfall housing development is located within the urban area in a sustainable location. The detailed requirements of Policy H4a, and other national and local policy expectations are considered below.

AFFORDABLE HOUSING

4.9 The National Planning Policy Framework requires Local Planning Authorities to 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. The application has been made by Housing Services and the 8 No. 2 bedroom units would be for social rent and would contribute to meeting the identified need for affordable homes across the City (See para. 1.5).

4.10 The proposed affordable units would be retained in Council ownership. The development is for 2 bed units which are the house types in most need in the city according to York's Strategic Housing Market Assessment. The applicant's aim is to allow people to downsize into these properties. It is therefore considered that the provision of affordable housing would meet an evidential need within the City and the terms of Policy H2a of the Local Plan would be met.

DESIGN AND VISUAL APPEARANCE

4.11 The National Planning Policy Framework 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 National Planning Policy Framework requires development that 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.

Impact on character of the area

4.12 It is acknowledged that the proposed development would alter the character of the area. It would result in the loss of a green amenity space, introduce a development that would be more substantial in scale than the majority of two storey houses, and result in a development with a distinctive character. The character of the Fenwick Street is mixed with traditional terraces, and mid-late 20th century two storey houses with the latter predominating in the vicinity of the application site which is adjacent to the 4 storey modern apartment building of Chapman House. No particular design or style predominates, and each type reflects the period in which it was built. The introduction of the building on the application site would increase the built development in the area, creating a more urban character that would impact upon the open ambience that links with Rowntree Park beyond.

4.13 The proposed building would be visible from Rowntree Park, particularly during the period when the trees along the boundary are not in leaf, with the building introduced where there is currently open space behind the line of lime trees and woodland within the northeast corner of the park. The proposed building would be set further back into the site than the adjacent residential buildings to either side, and the proposed materials would reduce its impact, consisting of grey roof tiles, muted brick colour, large areas of glazing, terracotta cladding in natural tones.

Massing

4.14 The scale and massing of the development would appear to respond to the variation in height with a three storey development at the southern boundary and stepping down to two storeys at the northern end. The buildings would not be dominated by Chapman House, would not dominate the adjacent two storey houses, and would maintain a coherent building line when viewed from Rowntree Park. There is a significant slope in land level from west to east with the proposed development site at a lower level than Fenwick and Bewlay Street, and the completed three storey apartment roof ridge height would not be significantly higher than the existing two storey housing roof ridges to the west boundary. Consequently it is considered that the development would not dominate the surrounding buildings and would fit in with the existing housing in the area.

Overbearing impact

4.15 A revised plan moves the development westwards to the front of the site to protect the root protection zone of the row of lime trees in Rowntree Park which are of high amenity value. It would still be the case that the proposed apartment blocks would fit comfortably within the site in terms of separation distances to surrounding properties. The resultant layout would not appear cramped on the site with amenity space to three sides. Due to the sloping nature of the site and the location within the site, the development would not have a significant overbearing impact on the housing opposite and to the side. It is considered that the development has been designed with careful consideration to all the surrounding views in to and out of the application site.

Design/ Materials

4.16 The site is visually prominent, particularly from Rowntree Park, which requires a high quality building which would add to the character and appearance of the area. The building also has to respect the surrounding traditional housing proportions. The appearance of the apartment block would be contemporary, and it would be constructed in red brick with sandstone coloured brick features to the entrance areas and gables. Detailing includes aluminium coated entrance canopies and stepped brick work coursing which would add interest to the building. Roof materials would be concrete roof tiles to match existing apartments.

The appearance of the block would be different but compliment the modern design of the surrounding council housing and Chapman House, but would be sympathetic to the wide range of materials and would assimilate successfully into the streetscene. Details of materials should be conditioned to ensure full integration with the area.

Secure by Design

4.17 Prior to the submission of the application, the applicant discussed the scheme with the Police Architectural Liaison Officer to ensure that the development would adhere to "Secure by Design" principles for residential developments. A number of street lights would need to be relocated and a new lighting scheme could be agreed through condition. Policies GP1 and GP3 would be satisfied in this respect.

Impact on trees/ Rowntree Park

4.18 There is a belt of mature broad leafed lime trees within Rowntree Park that require protection for their significant visual contribution to the area. They have significant root areas that must not be built over and the revised plan places the building further to the west, closer to Fenwick Street in order to ensure the trees are protected. The main frame of the building would be 5-6m away from the edge of the canopies of the trees and approximately 3m outside of the recommended root protection area (RPA). However the balconies, raised beds and ramp bring the construction operations closer to the trees and in to the RPA. Any development would require that the tree roots are suitably protected during construction, and this could be reasonably conditioned. Policy NE1 would be satisfied.

4.19 There are a number of established trees to the front of the site, with a number of younger trees adjacent to the turning head/ car park. The development would result in the loss of most trees on the site. A planning condition could ensure appropriate replacement trees, replanted in more appropriate locations. On this basis, Policy GP9 would be satisfied.

Landscaping

4.20 The existing site layout would be remodelled and the proposed layout based around the Home Zone principle. 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. Any boundary treatment would have to be agreed with the Local Planning Authority.

4.21 The proposed external amenity space for the development would be limited and the rear communal garden would be in heavy shade for most of the day.

THE AMENITY OF SURROUNDING AND FUTURE OCCUPIERS

4.22 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. 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 requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.23 The proposed rear balconies would not result in direct or adverse oblique overlooking of neighbouring property.

4.24 In terms of the amenity of future occupiers, each flat would have access to the communal garden at rear of the proposed development and the upper floors would have balconies at the rear. There would be a screened refuse and recycling store

4.25 Taking the above into account it is not considered that the amenity of existing or future occupiers would be adversely affected by the proposals and the scheme complies with national and local policy requirements.

HIGHWAYS

4.26 The site is accessed by an existing adopted highway turning area adjacent to parking associated with the neighbouring local authority housing. The access to the site would result in a reduction of one of the car parking space currently used by existing residents leaving 5 No. available spaces in the neighbouring parking area. The loss of one space would be an acceptable reduction as on- street parking is available to the residents in the vicinity and an additional 8 no. car parking spaces would be provided for the residents of the new block within the site. This level of car parking provision would comply with the Council's maximum parking standards.

4.27 There is a mixture of parking provision on Fenwick Street. Some of Fenwick Street is double yellow lined and is therefore not available for parking. Some of Fenwick Street contains a residents parking zone. However much of the area is uncontrolled in respect of parking. There are two car parking courts close to the application site accommodating 5 no. vehicles and 8 no. vehicles. There are no marked out spaces on the unrestricted parking area on Fenwick Street itself. An estimate by the applicant based on the length of the road (approximately 90m around the inner curve of the unrestricted parking part of Fenwick Street), and agreed by Highway Network Management, considers that approximately 15 vehicles could be parked on Fenwick Street in a way which does not impact upon vehicle flow (for example, no overhang of refuse vehicle turning areas).

4.28 It is not considered that the proposed development would add significantly to the number of cars parked on this part of Fenwick Street. The proposed development would provide 8 car parking spaces for 8 apartments. In addition the site is central with very good access to services and facilities thereby reducing dependency on the car. The application site is within the Micklegate Ward and 2011 Census data highlights that more than a third of households within the ward have no car or van, fewer than half of households have 1 car or van and only 15% of households have more than one car or van.

4.29 Information given to the Housing Development Team at the Council at public information events, during site visits, and through telephone calls with residents has revealed that many tenants believe much of the existing car parking demand in the area is generated by non-residents of this part of Fenwick Street. The unrestricted parking along this part of Fenwick Street is likely to be utilised by people visiting the city centre for leisure or shopping, commuters, and people from neighbouring streets where residents parking zones are in place. This situation would not be altered by the proposed development. However, the applicant would be willing to commit to paying £5000 towards Traffic Regulation Orders and/or the implementation of a Residents Parking Scheme if following the development there are parking issues in the area.

4.30 The site would be laid out in a Home Zone formation with a new pinch point provided at the entrance to the development which would restrain vehicle speeds whilst also providing areas of managed on-street parking and limited street planting/soft landscaping.

4.31 Concern has been expressed about increased traffic within the area and at the junction with Bishopthorpe Road. Highways officers do not consider that the development would significantly add to the traffic generation in the area to adversely affect road safety in the area

4.32 The development would provide 8 no. cycle parking spaces, in a secure store therefore meeting Council requirements and the terms of Policy T4 in this respect. There is a commitment from Housing Services to make a £2,000 contribution towards Traffic Regulation Orders which would protect the areas of adopted highway in close proximity to the development for highway safety reasons. A small amount of stopping-up of the highway would be required under Section 247 of the 1990 Town and Country Planning Act 1990.

DRAINAGE/ FLOOD RISK

4.33 In terms of flood risk, the National Planning Policy Framework adopts a sequential approach whereby development is steered away from areas of high flood risk to areas of lower risk. Paragraph 103 states that a sequential test is required for developments within Flood Zone 2, low to medium risk.

A sequential test has been submitted by the applicant that demonstrates that the application site is the result of investigating 175 sites within the Housing Revenue Account, their availability, their planning constraints (including flood risk), and the strong need to supply social housing economically. The local planning authority is satisfied that the test indicates that the proposed development would be safe, would not lead to increased flood risk elsewhere and that the site has reasonably been selected from the available sites for the provision of affordable housing at a reasonable cost to public funds. The terms of Policy GP15 could be met.

4.34 There are two public sewers that cross the site, a foul sewer and a surface water sewer. It is intended that the foul and surface water drainage from the development would drain to the public sewers with appropriate attenuation measures. The proposed built development would be sited partly within Flood Zone 1 and partly within Flood Zone 2, where residential development can be an acceptable use. The submitted Flood Risk Assessment indicates that the development would be located on the part of the site which is at lowest flood risk, the development would be appropriately flood resilient and resistant, and there would be no increase in flood risk elsewhere. Both the Environment Agency and the Council's Flood Risk Manager have no objections to the proposal subject to conditions should planning permission granted.

CONTAMINATED LAND

4.35 The Environmental Protection Unit was commissioned to undertake a phase 1 risk assessment in October 2013 prior to the submission of the planning application. It indicated that the site did not have previous industrial use, and that there is a very low potential that there may be contaminants found on the site. It may have formed part of an area that was less suitable for housing development, but there is no evidence that the site cannot be developed for housing subject to planning conditions to cover any risk of discovering contamination during development, appropriate remediation of the site if necessary, and agreeing acceptable details concerning the construction phase of the development. On this basis, Policy GP6 would be satisfied.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.36 Due to the size of the proposed development, the proposal would fall outside the requirements of the York's Design and Construction document (Interim Planning Statement). Nonetheless, Housing Services would commit to constructing the homes to Level 4 of the Code for Sustainable Homes. Policy GP4a would be therefore be met.

OPEN SPACE/ EDUCATION PROVISION

4.37 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 are required to make appropriate financial contributions. In accordance with requirements of Educational Planning, Housing Services has confirmed in a letter that should the apartments not be restricted to properties for downsizing purposes, a commuted sum of £25,011 would be paid towards primary school provision.

A contribution of £9,376 would be required towards open space/sports facilities which would be targeted at the play provision to be used in the park, amenity provision at Scarcroft allotments, and sport provision to be used within the south zone of the sports and active leisure strategy.

ECOLOGY

4.38 The application site is mown grass in an urban setting, with young trees that would be unlikely to provide habitats for birds/ bats/ newts or result in potential impacts on protected species that could be caused by the proposed development. On this basis, it was considered that an ecological assessment of the proposed development was not required. The larger trees close to the edge of the site are in Rowntree Park and these would be retained. A condition would be required if planning permission is granted to ensure that lighting would be sensitively designed so that there is no spread of light outside of the site to avoid affecting potential bat roosts.

5.0 CONCLUSION

5.1 The site is in a sustainable location near to local shops, amenities and public transport links and in principle would be suitable for redevelopment for housing purposes. The proposal would deliver much needed affordable homes within the city. In design terms, on balance, the scheme as a whole is considered to respect the character of the surrounding pattern of built development in the area, landscaping within the site, and the important tree belt within Rowntree Park. The development would result in the loss of a much valued local informal amenity area, the loss of an open green space and trees, and result in further built development and activity in the area that would considerably alter its character. However, given the proximity to Rowntree Park with its range of facilities for formal and informal play, it is considered that the need for affordable housing would outweigh the level of harm to local amenity.

5.2 As the City Council cannot enter into a Section 106 Agreement with itself, a letter will be provided by the Head of Housing Services confirming that the required contributions to education and open space/sports provision will be made as follows:

- A contribution of £9,376 towards amenity space and sports facilities in the locality.
- A contribution of £25,011 towards local education provision, should the apartments not be used for the downsizing scheme.
- A contribution of £2,000 towards Traffic Regulation Orders which would protect the areas of adopted highway in close proximity to the development for highway safety reasons.

- A contribution of £5000 towards Traffic Regulation Orders and/or the implementation of a Residents Parking Scheme if following the development there are parking issues in the area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Revised site plan 51245000-A-(90)-002 Revision E
5124500-ATK-XX-XX-XX-DWG-(20)-ARC- 002 Rev A, 101, 102, 103
5124500-ATK-XX-XX-XX-DWG-(00)-103,130, 010,
Barnes and Associates Tree Survey Plan: BA4031TS
5124500-FEN-C-101, Rev A

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

3 VISQ8 Samples of materials to be submitted

4 Prior to the commencement of the development hereby approved, details of surfacing materials and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

5 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 during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin. It shall also include construction details and existing and proposed levels, where a change in surface material is proposed within the canopy spread and likely root zone of a tree.

Reason: To protect existing trees which make a significant contribution to the amenity of this area.

6 LAND1 Submission of landscaping scheme

7 Prior to first occupation of the dwellings hereby approved, a full lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux. level of the lighting. The lighting scheme shall be carried out in accordance with the approved lighting scheme and installed prior to first occupation of the dwellings.

Reason: In the interests of the amenities of nearby occupants and visual amenity

8 Prior to the development commencing details of the cycle parking and refuse storage areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking, refuse storage areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles and refuse storage.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

9 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

10 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the Council may consider taking action under Part 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.

11 The development shall be carried out in accordance with the submitted flood risk assessment (Atkins, dated 4 March 2014) and the following mitigation measures it details:

a) Finished floor levels are set no lower than 11.3m above Ordnance Datum (AOD) as detailed within section 6.1 of the FRA.

b) Flood proofing shall be incorporated to a minimum of 300mm above finished floor level as detailed within section 6.1 of the FRA.

These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as agreed in writing, by the local planning authority).

c) Implementation of a Flood Warning and Evacuation Plan as approved by York's Emergency Planner.

Reason: To reduce the risk of flooding to the proposed development and future occupants. To reduce the impact of flooding to the proposed development and future occupants. To ensure safe emergency egress from the site.

12 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.

13 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.

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
- use of planning conditions.

2. Demolition and Construction Informative:

Your attention should be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

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

b. 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".

c. 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.

d. 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.

e. 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.

f. There shall be no bonfires on the site

3. HIGHWAY INFORMATIVE:

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

For further information please contact the officer named

Section 38/278 - Michael Kitchen (01904 551336)

Extinguishment of the highway should be carried out under Section 247 of the 1990 Town and Country Planning Act 1990

4. FLOOD PROOFING MEASURES - ADVICE TO APPLICANT

We strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department.

In the meantime, if you'd like to find out more about reducing flood damage, the following websites provide detailed construction advice:

Environment Agency: How to reduce flood damage

www.environment-agency.gov.uk/homeandleisure/floods/105963.aspx

Department for Communities and Local Government: Preparing for floods

www.communities.gov.uk/publications/planningandbuilding/improvingflood

Ciria: What to do if your property is flooded and how to minimise the damage from flooding

www.ciria.com/flooding/

National flood forum

www.floodforum.org.uk/index.php?option=com_content&view=article&id=8&Itemid=4

5. EMERGENCY PLANNING - ADVICE TO APPLICANT

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as it does not carry out these roles during a flood. The Agency's involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, the Environment Agency advises local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Contact details:

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