

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Holgate
Date: 25 October 2007 **Parish:** No Parish

Reference: 07/00056/OUTM
Application at: Tarmac Limited Ouse Acres York YO26 5SJ
For: Outline application for residential development comprising houses and apartments after demolition of existing warehouse and plant
By: Tarmac Ltd And Blackwell Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 28 August 2007

1.0 PROPOSAL

1.1 The application seeks outline planning permission, with all aspects reserved, for the erection of 80 residential units, comprising apartments and houses at the current Tarmac site, Ouse Acres. An indicative plan has been submitted detailing how the site could be developed by providing 32 apartments and 48 townhouses but this is not binding and is for visual purposes only.

1.2 The application site lies at the head of Ouse Acres, off Boroughbridge Road. The site has a site area of 1.5ha and is currently occupied by the Tarmac batching plant to the north and a disused warehouse to the south. The site backs onto the railway line and is adjacent to the British Sugar site and the former Donnelleys site to the west. Allotments lie to the east and residential properties to the south. The site would be accessed from the existing access road at the head of Ouse Acres, off Boroughbridge Road.

1.3 The application site is located adjacent to the south eastern boundary of the British Sugar site. As Members are aware the Issues and Options stage of the Area Action Plan for the York Northwest area is going out for public consultation between the 5th November 2007 and the 14th January 2008. The boundary for the Area Action Plan has not yet been defined and as such the Tarmac site does not form part of this Area Action Plan.

1.4 The application is subject to a Section 106 Agreement to secure funding for the provision of off site sports space, financial contribution towards the maintenance of on site open space and children's play area, financial contribution towards the provision of additional pupil places at Millthorpe School and to secure the provision of 37.5% affordable housing on the site. The applicant has agreed to the content of the Section 106 Agreement.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYE3B
Existing and Proposed Employment Sites

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYH3C
Mix of Dwellings on Housing Site

CYH2A
Affordable Housing

CYGP1
Design

CYGP4A
Sustainability

CYED4
Developer contributions towards Educational facilities

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 Internal

CITY DEVELOPMENT - There are no objections to the loss of employment land at the site. The applicant has submitted a full employment land report with the

application, including a quantitative analysis of available land/take up (based on the Councils own employment land monitoring) and a qualitative assessment of the Ouse Acres site (access/facilities) which would be lost to the City were it to be developed for an alternative use, including other 'B' type uses. The report satisfies the council that the loss of 1.53ha would not be detrimental to the city's employment land supply and as such the requirement of Policy E3b have been met.

The content of this report will be discussed within the main body of the report.

EDUCATION - Based on the information provided and on a worst case scenario for the number of bedrooms per apartment a financial contribution will be required for the provision of upto 12 pupil places at Millthorpe School

ENVIRONMENTAL PROTECTION UNIT - No objections to the application but recommend conditions in connection with potential land contamination, noise levels within the proposed properties and construction hours

SUSTAINABILITY OFFICER - The details provided contain nothing relating to sustainability directly however reference is made to the sun path in relation to the site context in addition the proposal as stands is for terraced properties which offer a higher degree of energy efficiency. As it is an outline application made after the approval of GP4a policy but prior to the approval of the SPG Sustainable Design & Construction (consultation period closes 4th May) it would seem appropriate to apply a condition requesting a sustainability statement, which should include commitment to, and evidence of the presence of a BREEAM rating at 'very good'. The proposal is not at a detailed design stage so this is the ideal time to include sustainable design and construction elements at minimal cost to the applicant.

LIFELONG LEARNING AND CULTURE - As originally submitted the application did not indicate any provision for play and amenity open space. A development of this size should have a children's play area to LEAP size based on the outline number of houses and flats. Further management of these spaces could be by CYC, in which a commuted sum payment will be required to fund future maintenance or by an alternative management company. We would not expect to see sports space on site but would expect a financial contribution towards the Sport and Active Leisure Strategy west zone priorities. The applicants have now agreed to this and the tying up of these issues within a Section 106 Agreement

HIGHWAY NETWORK MANAGEMENT - No objections. The proposal is to construct 80 dwellings on the site of the Tarmac plant on Ouse Acres. The site has historically generated a certain level of traffic, including HGV movements, throughout the day and as such this traffic has been `netted` off from the expected level of traffic generated by the proposed development in line with national guidance. The expected level of traffic that will be generated by the proposed redevelopment will not have a material impact on the surrounding highway and an accompanying Transport Assessment has indicated that surrounding junctions will not be detrimentally affected by the redevelopment by the site.

AFFORDABLE HOUSING - No objections. A level of 37.5% affordable housing has been achieved on site to a mix and type which is very much in line with the findings

of the 2007 Strategic Housing Market Assessment. It is also considered to be the appropriate level of affordable housing, based on a detailed assessment of site viability, having regard to a number of identified site remediation costs. These issues will be address in detail in the report.

HOUSING AND ADULT SOCIAL SERVICES - Following the submission of a detailed viability outlining abnormal development costs and detailed discussions with the applicant we have accepted that 37.5% is the maximum provision of affordable housing achievable on this site. The offer comprises 15 houses (all social rent) and 15 apartments (4 social rent and 11 discount sale). Although the offer is not equivalent to the 60:40 house to apartment split across the site, increasing the number of houses received would reduce the overall percentage of affordable achievable. Added to this, we have managed to ensure that ALL of the 15 houses are for social rent in line with the needs identified in the recent Housing Market Assessment. Consequently, due to the site factors outlined by Derek Gauld elsewhere in this report Housing and Adult Social Services are satisfied that this is the optimum mix and amount of affordable housing achievable on this site.

3.2 External

NEIGHBOURS - 4 letters from neighbours and a petition containing 112 signatures objecting on the following grounds:

- Highway safety issues in connection with the additional vehicular movements
- Poor quality of the existing surface to Ouse Acres
- Concerns over additional vehicles using the poor junction with Boroughbridge Road
- Request road safety measures along Ouse Acres
- Additional traffic could generate an increased risk of accidents
- Concerns regarding noise and disturbance during construction
- Concerns over loss of privacy when the development is completed
- Townhouses on the site would be higher than the existing buildings on the site
- Increased risk of crime
- Should reduce the density
- No increase in light pollution should be allowed
- Proposed road within the site should not be circular as it creates a race track
- Play area should be located away from the existing residential properties

One additional letter following re-consultation in connection with additional highway works objecting on the grounds that the ghost island at the junction with Ouse Acres and Boroughbridge Road offers no real improvement and should be a 4-way junction with traffic lights at the top of Ouse Acres. The transport assessment does not appear to address whether Ouse Acres has the capacity for the additional vehicle movements especially when parking often prevents two-way traffic.

NETWORK RAIL - No objections are raised but certain requirements must be met due to the close proximity of the development to an electrified railway. Conditions are recommended

ENVIRONMENT AGENCY- No objections to the development but conditions are required in connection with potential land contamination. The site is shown to be partially within Flood Zone 3, however we have no records of flooding in that vicinity.

Therefore the Flood Risk Assessment (FRA) submitted is adequate in line with PPS 25 and conditions should be attached.

The Ouse Model (Bullens) shows the modelled 1 in100 year flood level for the site to be 11.2 metres above ordinance datum (m AOD). This site is predominantly above this level, with only the very northern corner and part of the adjacent track being below 11 m AOD as shown on the submitted topographic survey.

The applicant should ensure that any new development is not at risk from the nearby Carr Beck. As the FRA shows that there will be an overall reduction of the impermeable area on the site, with the final discharge going the Carr Beck, as the existing arrangement, we have no reason to object on drainage grounds. However, we would support the use of SuDS techniques, including infiltration measures where practical (and providing there is no risk of pollution to the water environment), as redevelopment of sites such as this should offer an opportunity to further reduce the surface water discharge.

YORKSHIRE WATER - No objections. A water supply can be provided under the terms of the Water Industry Act 1991. On the Statutory Sewer Map there are a 450mm and a 225mm diameter public sewers running across the site. The agent is aware of this. In this instance a stand-off distance of 3m is required at each side of the sewer, resulting in a protective strip 6m wide.

Development of the site should take place with separate systems for foul and surface water drainage. The separate system should extend to the sewer. The local public sewer network does not have capacity to accept any discharge of surface water from the proposal site. The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

4.0 APPRAISAL

4.1 Key Issues

- Loss of employment land
- Principle of redevelopment of the site for residential
- Density, mix and affordable housing
- Design and impact upon amenity
- Highway implications
- Drainage and flood risk
- Financial contributions

4.2 In addition to the Draft Local Plan (DLP) Policies set out in section 2.2, national advise contained within Planning Policy Statement1: Delivering Sustainable Development, Planning Policy Statement 3: Housing' Planning Policy Guidance Note 12: Transport and RSS12: Regional Spatial Strategy for Yorkshire and Humber are relevant.

4.3 Loss of Employment Land

Policy E3b of the DLP states that planning permission for the change of use of sites in existing or previous in employment uses will be retained within their current use unless there is sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms.

A comprehensive Employment Land Report was submitted with the application, which establishes that this site is no longer needed in maintaining a sufficient supply of quality employment land in the city. It states that:

- There is an over supply of employment land to satisfy immediate and longer term requirements, even when taking into account the loss of employment land (both allocated and existing) to other uses;
- Within the vicinity of Ouse Acres site there is a significant amount of available employment land. There are significant employment developments at Monks Cross, Clifton Moor and York Business Park, which provide land for B2/B8 purposes with better transport access and access to facilities
- In addition to York Central, two other major employment sites have come forward, the former Terry's factory and the former British Sugar factory. Both offer good access to the road network and benefit from existing infrastructure and amenities;
- In terms of redevelopment for B1, access to the site is poor, is divorced from other office developments and is unlikely to be of interest because of the lack of primary frontage.

The information contained within the report is considered acceptable to justify the redevelopment of this site for non-employment purposes. The loss of this 1.53ha site would not be detrimental to the city's employment land supply and as such the requirement of policy E3b have been met.

4.4 Principle of Redevelopment of the Site for Residential

PPS3, RSS for Yorkshire and Humber and DLP Policy H4a (Housing Windfalls) encourage new housing development to be located on previously developed land. PPS3 states that the 'priority for development should be previously developed land, in particular derelict sites and buildings'. Policy H4a states that planning permission will be granted where the site is within the urban area, has good accessibility, is of an appropriate scale and density and would not have a detrimental impact upon existing landscape features.

The site would fall within the definition of 'previously developed land, is located within a predominantly residential area within the main urban area of the City and has good accessibility. The site is currently semi-vacant and faces full vacancy when Tarmac relocates to a combined location at Clifton Moor. Therefore, the principle of redevelopment of the site for residential purposes is considered acceptable in policy terms, subject to the scale and density of the proposed development being acceptable.

4.5 Density, Mix and Affordable Housing

PPS3 and policy H5a of the DLP encourage the efficient use of land in all new housing developments, whilst having regard to the character, quality and amenity of the area. Policy H5a states that new residential developments in the urban area, but outside the city centre, should aim for a density greater than 40 dwellings per hectare. As the application proposed 80 dwellings on a 1.53 hectare site, the density of the development would be approximately 53 dwellings per hectare and would therefore exceed the minimum requirement.

PPS3 and Policy H3c of the DLP seek a mix of house types, sizes and tenures on all new residential developments, in order to sustain mixed communities. The application is in outline form but an indicative plan indicated that the site could accommodate 32 apartments located within two blocks, being a mixture on one and two beds and could also accommodate 48 townhouses being two bed or more. This would compliment the existing housing mix in the locality.

Policy H2a of the DLP outlines the principles of affordable housing within new residential developments. It states that proposals for new housing development of 15 dwellings or more will include affordable housing in line with the Councils Housing Need Assessment. The Council aim to achieve 50% affordable housing on new sites, broken down into 45% affordable rent and 5% for discounted sale. However, this figure can be reassessed down where the developer can demonstrate financial loss against previous land acquisition prices or unforeseen additional site costs. The policy also states that the affordable housing should be distributed throughout the housing development rather than concentrated in one area.

After negotiations the developer has agreed to provide 37.5% affordable housing on the site. As previously mentioned the outline scheme indicated that it would be possible to erect 48 houses and 42 apartments on the site. Taking this into account the following split has been agreed:

- 30 affordable homes from the total of 80 on site (37.5%) made up of 15 houses and 15 apartments
- there will be 33 omv houses and 17 omv apartments
- the affordable houses will be of the same size and indistinguishable from their omv neighbours
- the affordable apartments will be of the same size and indistinguishable from their omv neighbours
- all the (15 no.) houses will be for social rent
- 4 of the apartments will be for social rent, and 11 for discount sale
- the discounted sale element will be at a level which is usefully affordable in local terms and will be set out in the s106 agreement (a schedule of starting prices has been agreed with the applicant)

The housing mix is very much in line with the findings of the 2007 Strategic Housing Market Assessment, which looks especially to 2 and 3 bed houses as something York is specifically missing out on at the moment - as well as other types. It is considered to be a good mix and balance.

Although this provision is below the 50% affordable sought it is considered to be the appropriate level of affordable housing, based on a detailed assessment of site viability, having regard to a number of identified site remediation costs. In addition to demolition costs and other fairly standard and measurable costs of site clearance, an intrusive geo-environmental assessment was commissioned in order to advise on the potential for on site contamination, and to identify whether special precautions would be required with regard to foundation construction. The investigation revealed both a requirement for extensive site remediation, and a significant programme of ground improvement works in order to support the proposed development. Original budget costs were exceeded through more extensive on - site assessment, and it is accepted that there remains an element of risk as total costs will not become apparent until the existing structures and hard standings have been cleared from the site.

In these circumstances there becomes a level at which the costs of providing affordable housing, instead of open market, are too high to expect to realise a reasonable developer return for the risk. Following detailed and open book analysis the schedule above was agreed as the best possible outcome.

The City Council's 50% affordable housing policy is a target to reach. In this instance there are considered to be special site circumstances which make this maximum figure impossible to achieve, and it is considered that 37.5% - especially with half of these being family houses for affordable rent - is the optimum level of affordable housing for this scheme.

4.6 Design Issues and Impact upon Amenity

PPS1 and PPS3 seek to secure an improvement in the quality of new housing development with sustainable and environmentally new housing encouraged. Policy GP1 of the DLP includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

The application is in outline form with all matters being reserved for later consideration. A Design and Access statement and indicative plan have been submitted to support the application. The plan indicates the site being developed with 10 blocks of three storey townhouse, ranging from 3 to 6 in a row, and two blocks of three storey apartments. The three storey design is to reflect the residential

properties recently built within the Donnelley's site, adjacent to the application site, and the agent has stated that these buildings would be no higher than the existing warehouse on site. Each of the houses would have two off road car parking spaces with the apartments being provided with one space per unit and one visitor space per four apartments. The vehicular route has been placed to the perimeter of the site to allow for easier pedestrian flows through the site and to locate the residential properties away from the site boundaries. This prevents a loss of amenity to the existing properties along Prior's Walk in terms of privacy and overdominance, and reduces the level disturbance to the future residents from the existing railway line. Large amounts of public open space can be seen on the indicative plan and additional landscaping would be provided.

Whilst the plan indicates that the proposed level of development is capable of being accommodated within the site it is purely for illustrative purposes and does not bind the Council to approving this scheme on the submission of the reserved matters application.

DLP Policy GP4a requires developers to have regard to the principle of sustainable development. The site is considered to be within a sustainable location, within walking distance to services and facilities and to a regular bus service. No further information has been submitted regarding renewable energy sources but a condition is proposed requesting that a BREEAM rating of 'very good' is sought.

4.7 Highway Implications

Although all aspects of the scheme are reserved it has been stated that the vehicular access to the site will be from the head of Ouse Acres where the existing site is accessed. A Transport Assessment has been submitted with the application, which identifies that the proposed redevelopment of the site would not have any detrimental impact upon the operating of the surrounding junctions.

As part of the application the existing priority T junction onto Boroughbridge Road is to be slightly amended through lining and slight kerb realignment to provide a formal right turn ghost island from Boroughbridge Road onto Ouse Acres. This is designed to formalise the existing situation where right turning vehicles sit over the central line of Boroughbridge Road.

Parking within the site can be achieved in accordance with CYC standards.

4.8 Drainage and Flood Risk

As part of the planning application a Drainage and Flood Appraisal was submitted. The site is shown partly within Flood Zone 3 on the Environment Agency mapping, however, comparison of recorded flood levels with topographical survey levels show that the site is not a risk of fluvial flooding. This is as The Ouse Model identifies the 1 in 100 year flood level for the site to be 11.2m AOD and only the very northern corner and part of the adjacent access track are below 11m AOD.

Surface water flows discharging from the site will be less than the existing site flows and as such there will be no increase of the risk of flooding to the site or elsewhere.

It has been identified that there are two public sewers running through the site which the applicant is aware of and which would not prevent an acceptable development arising.

4.9 Financial Contributions

Due to the size of the development various triggers were met in relation to financial contributions for Education and Public Open Space.

Policy ED4 of the DLP states that where additional educational facilities are required as a direct result of the residential development the applicant should enter into a Section 106 Agreement to make a financial contribution towards the provision of these facilities. The application is for 80 residential units but the number of bedrooms per unit is not known at this stage. It is therefore not possible to give a final figure for the financial contribution required. However, a worst-case scenario based on all units being two beds or more calculates at a figure of £186,372, which would provide for 12 pupil places at Millthorpe School.

Policy L1c of the DLP states that for sites of 10 or more dwellings. An assessment of existing open space accessible to the proposed development including its capacity to absorb additional usage will be undertaken. This will ascertain the type of open space required and whether on-site or a commuted sum payment for off site provision is more appropriate based on individual site circumstances.

The assessment identifies that there should be an area within the site designated for play and open space. In addition a development of this size should have a children's play area to LEAP size. The management of these areas could be by CYC for which a commuted sum will be payable. It is not expected that sports space would be provided on site but that a financial contribution would be made for the to aid the Sport and Active Leisure Strategy west zone priorities. Again as the final number of bedrooms within the units has not been set the level of contribution is unknown. However, it is possible to tie the formula for calculating the contribution into a Section 106 Agreement, which the applicant has agreed to.

5.0 CONCLUSION

5.1 It is considered that the principle of the development is acceptable on the site. The applicant has demonstrated that the land is surplus to current employment needs and that a residential development comprising of 80 units can be accommodated on the site. Information supplied with the application identifies that there would be no detrimental impacts upon the surrounding highway network, on the basis that improvements to the junction with Boroughbridge Road are undertaken.

5.2 Officers consider that the application is acceptable subject to a Section 106 agreement for financial contributions towards the provision of educational places, off and on site open space requirements and affordable housing provision. Officers therefore recommend approval.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

- 1 OUT1 Approval of Reserved Matters
- 2 OUT2 Full details to be submitted
- 3 HWAY1 Details roads, footpaths, open spaces req.
- 4 HWAY7 Const of Roads & Footways prior to occup
- 5 HWAY14 Access to be approved, details reqd

6 Prior to the development commencing details of the car and cycle parking 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 car and cycle parking 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 cars and cycles.

Reason: To provide adequate off street parking and to promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

- 7 HWAY32 IN Restrictions on construction times
- 8 HWAY31 No mud on highway during construction

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

Junction alterations to form a right turn ghost island on Boroughbridge Road as indicatively shown on drawing number 2034.08

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

- 10 HWAY40 Dilapidation survey

11 Safety Audit:

A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout, site access onto Ouse Acres and the junction alterations on Boroughbridge Road, stage 1 of which must be submitted to and agreed in writing by the LPA prior to

works commencing on site.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

12 HWAY23 Vehicular sight lines protected

13 The building envelope of all residential buildings with a facade fronting onto the North East Railway boundary (i.e. blocks A, C, I & J), shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAMax (23:00 - 07:00) in bedrooms and 35 dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of future occupants

14 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to commencement of development of the site. This should, where possible date back to 1800

Reason: To protect human health and the wider environment

15 A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: To protect human health and the wider environment

16 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: To protect human health and the wider environment

17 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect human health and the wider environment

18 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment

19 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: To protect human health and the wider environment

20 All fuel tanks and any associated pipe work shall be removed from site in accordance with the Health and Safety Guidance Note 41 - Petrol filling stations: Construction and Operation and in full consultation with City of York Council petroleum officers. A method statement and remedial strategy shall be submitted to and approved by the local planning authority prior to the commencement of this work.

Reason: To protect human health and the wider environment

21 No work shall take place on site, including demolition, loading, unloading and construction, except between the hours of 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. No work shall take place on site on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

22 There shall be no buildings sited, ground level raising or storage of any materials including soil within that part of the site below 11.2 m AOD as set out in the topographical survey (drawing no: 001)

REASON: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

23 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON : To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

24 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

25 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the LPA.

REASON: To prevent pollution of the water environment.

26 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 metres either side of the centre lines of the sewers which cross the site

Reason: In order to allow sufficient access for maintenance and repair work at all times

27 The site shall be developed with separate systems of drainage for foul and surface water on and off site

Reason: In the interests of satisfactory and sustainable drainage

28 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading

29 The developer shall submit a sustainability statement that will commit them to aim to achieve a BREEAM "very good" or "excellent" assessment standard for the development. The developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good';

Reason: To provide a sustainable form of development

30 Prior to the commencement of any development on the site a management plan identifying areas for the parking of vehicles waiting to enter the development site shall be submitted to and approved in writing by the local planning authority

Reason: In the interest of the amenities of the residents of Ouse Acres and in the interests of highway safety.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of employment land, neighbouring residents amenity, traffic implications, existing landscape features, sustainability, educational facilities, the provision of open space or affordable housing. As such the proposal complies with Policy H1 and H8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies E3b, H4a, H5a, H3c, H2a, GP1, GP4a, ED4 and L1c of the City of York Local Plan Deposit Draft.

2. There is a Section 106 Legal Agreement in association with this application which refers to the provision of an on site LEAP approved children's play area, on site amenity space, affordable housing provision and education contribution.

3. 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:

Micheal Kitchen regarding S38 agreement and 278 agreement o 01904-551336

4. INFORMATIVE:

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

5. All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur.

Security of the railway boundary will require to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Territory Outside Parties Engineer.

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method statements may require to be submitted to Network Rail's Territory Outside Parties Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Territory Outside Parties Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land. The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling.

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway.

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Contact details:

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