



## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Clock Tower  
Bishopthorpe Road

Schools GMS Constraints: Knavesmire Primary 0206

### 2.2 Policies:

CGP15A -Development and Flood Risk

CYGP1 - Design

CYGP4A - Sustainability

CYED4 - Developer contributions towards Educational facilities

CYH2A - Affordable Housing

CYH4A - Housing Windfalls

CYHE2 - Development in historic locations

CYL1C - Provision of New Open Space in Development

CYGP9 - Landscaping

## 3.0 CONSULTATIONS

### INTERNAL:

3.1 Environmental Protection Unit raises no objection to the proposal subject to any permission being conditioned to require the submission and prior approval of a Construction Environmental Management Plan and the submission and prior approval of a noise mitigation scheme for properties fronting on to Campleshon Road and Bishopthorpe Road.

3.2 Planning and Environmental Management raises no objection to the proposal in view of the scale of the proposal and the level of compliance with proposed housing supply targets.

3.3 Strategic Flood Risk Management expresses concern in relation to the level of information submitted with the application related to surface water drainage.

3.4 Design, Conservation and Sustainable Development raises no objection in respect of the proposal as amended and feel that the previous concerns in respect of impact upon the setting of the retained Listed Buildings at the southern end of the site have now been satisfactorily addressed. Some support is given for a further lowering in height of the apartment blocks although this is not felt to be fundamental to the acceptability of the scheme as a whole.

3.5 Education Services raises no objection to the proposal subject to the payment of a commuted sum in lieu of the provision of school places generated by the development off site.

3.6 Lifelong, Learning and Culture raises no objection to the proposal subject to the payment of a commuted sum in lieu of the provision of on-site open space.

3.7 Housing Services raises no objection in principle to the proposal subject to the satisfactory resolution of the range and mix of affordable housing to be made available at the site through the medium of a Section 106 Agreement.

3.8 Highway Network Management raises no objection in principle to the proposal subject to an enhanced financial contribution to the City Car Club car sharing scheme being forthcoming as part of a Section 106 Agreement.

### EXTERNAL:-

3.9 Yorkshire Water raises no objection to the proposal subject to the imposition of appropriate conditions.

3.10 The Canal and River Trust raises no objection to the proposal.

3.11 Natural England raises no objection to the proposal.

3.12 Micklegate Planning Panel objects to the proposal on the grounds of adverse impact from the proposed apartment buildings upon the setting of the Clock Tower and Liquor Store, Grade II Listed Buildings in both the original and amended submissions.

3.13 The North Yorkshire Police Architectural Liaison Officer raises no objection to the proposal.

3.14 York Civic Trust raises no objection to the proposal.

3.15 English Heritage raises no objection in principle to the proposal but expresses concern in relation to the impact of the proposed apartment buildings on the setting of the Clock Tower and Liquor Store, Grade II Listed Buildings. However, in respect of the amended scheme, EH defers to the specialist judgement of the Authority's Conservation Officer.

3.16 The York Conservation Areas Advisory Panel raises no objection in principle to the proposal but expresses some concern with regard to the height of the proposed apartment blocks adjacent to Bishopthorpe Road in the scheme as originally submitted.

3.17 Henry Boot Developments objects to the proposal on the grounds of adverse impact upon the setting of the Clock Tower, Liquor Store and HQ Building each Grade II Listed Buildings in respect of both the original and amended schemes.

3.18 Springfield Health Care objects to the proposal on the grounds of adverse impact from the proposed apartments upon the setting of the HQ Building a Grade II Listed Building which it intends to convert into a care home in respect of the original and amended schemes.

3.19 PJ Livesey objects to the proposal on the grounds of adverse impact from the proposed apartments on the setting of the Multi-Storey Factory , the Clock Tower and the Liquor Store ,Grade II Listed Buildings and the impact of the proposal upon the visual amenity of the wider street scene in respect of both the original and amended schemes.

3.20 Sport England raises no objection to the proposal.

3.21 The Cyclist's Touring Club raises no objection in principle to the proposal but wishes to see additional provision for cyclists within the overall scheme.

3.22 63 Letters of objection have been received to the proposal. The following is a summary of their contents:-

- \* Concern that the proposed apartment blocks would give rise to serious harm to the visual amenity of the wider street scene;
- \* Concern that the proposed apartment blocks would lead to serious harm to the residential amenity of neighbouring properties;
- \* Concern that further landscaping of townscape value would be lost;
- \* Concern that the proposed additional households would put undue pressure on local services and infrastructure;
- \* Concern that the proposal would lead to significant increases in traffic generation and on-street parking within the surrounding road network;
- \* Concern in respect of the impact of the proposal upon the setting of the Clock Tower and the Liquor Store, Grade II Listed Buildings.

## **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the visual amenity of the wider street scene;
- \* Impact upon the residential amenity of neighbouring properties;
- \* Impact upon the setting of the Clock Tower, Headquarters Building and Liquor Store, Grade II Listed Buildings;
- \* Impact upon trees and landscaping of townscape importance;
- \* Impact upon the level of parking and traffic flow in local residential side streets.

PLANNING POLICY CONTEXT:-

4.2 RESIDENTIAL AMENITY: - Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" urges Local Planning Authorities to give significant weight to the need to provide and secure a good standard of amenity for all new and existing occupiers of land and buildings.

4.3 DESIGN:- Central Government Planning Policy as outlined in paragraph 61 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the need to address connections between people and places and the integration of new development into the natural, built and historic environment.

4.4 SUSTAINABLE DEVELOPMENT:- Central Government Planning Policy as outlined in paragraph 49 of the National Planning Policy Framework urges Local Planning Authorities to determine applications for residential development in the context of the presumption in favour of sustainable development. Paragraph 111

further urges Local Planning Authorities to give significant weight to directing development to previously developed land that is not of high environmental value.

**4.5 IMPACT UPON THE SETTING OF LISTED BUILDINGS:-** Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council to “ have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness. At the same time the presumption contained within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act creates the need to balance any harm to the setting and character of any Listed Buildings or Conservation Areas and this is outlined below.

#### **IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:-**

**4.6** Policy GP1 of the York Development Control Local Plan (2005 2nd Set of Changes) sets out a clear policy presumption in favour of new development which respects or enhances the local environment and is of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area. The application site comprises the site of a series of low rise storage, distribution and manufacturing buildings associated with the former chocolate and confectionary production plant. The site boundary with Campleshon Road and Bishopthorpe Road comprises a heavily landscaped bund with a mature mix of deciduous and coniferous trees and shrubs. The surrounding pattern of development varies with densely developed but low rise terraced housing dating from the Late 19th Century to the north with a series of four storey apartment blocks of recent construction directly to the east on Bishopthorpe Road.

**4.7** The proposal envisages the erection of a mix of densely developed three storey "townhouses" together with a mix of four and five storey apartment blocks bounding on to Bishopthorpe Road to the east and the access drive to the former factory to the south. At its southern edge the development also impacts upon the setting of the Terry's/Racecourse Conservation Area. It is intended to retain the landscaped bund largely in its entirety, whereas the previously approved Outline application envisaged its removal in its entirety. The scheme as originally submitted for the current application envisaged the erection of a series of five, six and seven storey apartment blocks around the east and north east fringes of the site. The scheme was amended to address serious concerns in respect of the impact of the scheme

on the visual amenity of the wider street scene. The relationship of the proposed apartment blocks as amended to the landscaped bund would be such that they would only be lightly visible in long and short distance views from Bishopthorpe Road to the east and north east during the winter months when there is least foliage cover , and not at all during the remainder of the year.

4.8 In terms of impact upon the wider City skyline, a series of longer perspective views of the development have been submitted with the application which indicate that the scheme would not cause undue harm to the visual amenity of the wider street scene. Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act places a statutory duty upon Local Planning Authorities to have special regard to the preservation or enhancement of the Conservation Area. The site is not within, but adjacent to the Conservation Area. In carrying out this duty, regard has been had to the preservation and enhancement of the Conservation Area. Amended plans have been submitted which in the opinion of the Council's Conservation Officer now effectively removes any harm to the setting of the Conservation Area. Significant weight has been given to the effect on the Conservation Area when considering whether material considerations outweigh any harm. In giving effect to the statutory duty under Section 72 and the presumption against granting permission it is considered that in this case the presumption is overcome by the other material considerations identified in this report. The terms of Policy GP1 of the Development Control Local Plan and paragraph 61 of the National Planning Policy Framework would therefore be complied with.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.9 Policy GP1 of the York Development Control Local Plan (2005 2nd Set of Changes) indicates a strong policy presumption in favour of new development which ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Serious concern has been expressed in respect of the impact of the proposed apartments on the residential amenity of properties in Bishopthorpe Road and Campleshon Road, an impact heightened by the scale of the proposed development. The proposed apartments would however be some 45 metres from the nearest property in Bishopthorpe Road and 60 metres from the nearest property in Campleshon Road. The amended scheme with its reduced scale combined with the retention of the landscaped bund would effectively mitigate against any impact upon the residential amenity of neighbouring properties. It is therefore felt that the requirements of paragraph 17 of the National Planning Policy Framework would be complied with.

## IMPACT UPON THE SETTING OF THE CLOCK TOWER , THE HEADQUARTERS BUILDING AND LIQUOR STORE GRADE II LISTED BUILDINGS:-

4.10 Policy HE2 of the York Development Control Local Plan (2005 2nd Set Changes) sets out a firm policy presumption that within or adjoining Conservation Areas or in locations which affect the setting of Listed Buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings having regard to scale, proportion and details. More significantly Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act which requires the LPA to have special regard to the desirability of preserving the building or its setting sets out a clear statutory presumption against permission being given where a proposal would harm the setting of a Listed Building. The proposal envisages the erection of a four storey apartment block in two sections at the southern edge of the site in close proximity to the retained Edwardian service buildings associated with the chocolate factory , each being Grade II Listed. Concern has been expressed in relation to the impact of the proposed development upon the adjacent buildings. In order to deal with the concerns raised the principal section of the block has been relocated by 1.3 metres in to the site and both sections have been lowered by a storey in height. The proposed development would be some 17 metres from the rear of the Headquarters Building at its closest point, some 16 metres from the Clock Tower at its closest point and 3.5 metres from the Liquor Store at its closest point.

4.11 Concern has been expressed that the proposal would seriously curtail the possible reuse of the Headquarters Building by virtue of its close proximity. However, the approved outline permission envisages the reuse of the Headquarters Building as offices, and no formal approaches have been made in respect of other uses for the site. The location of the proposed apartment block to the rear with a 17 metre separation distance would not adversely impact upon its setting and such a separation distance would be entirely acceptable in respect of a relationship with an employment use.

4.12 In terms of the duty under Section 66 of the Act, special regard has been given to any harm that would result to the setting of the listed building, and amended plans have been provided to reduce any harm. Significant weight has been given to the setting of the listed building when assessing whether material considerations outweigh that harm. The retained factory buildings at the southern edge of the site comprise a grouping of brick built structures of various scales dating to the first development of the site to produce chocolate for the Terry family in the late 19<sup>th</sup>/early 20<sup>th</sup> Century. These comprise the Time Office where deliveries were received and despatched, the Multi-Storey Factory where production was centred, the Liquor Store and Clock Tower, which has the appearance of an Italian Campanile and the Headquarters Building which has an imposing Neo-Classical appearance. Their setting is defined by their prominence in long and short distance views from the surrounding area and within the wider City skyline. The applicant has



acknowledged this through the submission of detailed photomontages in respect of both the original and amended proposals.

4.13 In the wider planning balance, the proposal adds significantly to the achievement of targets for housing provision by re-using previously developed land as required by the National Planning Policy Framework and safeguarding the future of a site of significant townscape importance for the wider City. In terms of the relationship with the Clock Tower and the Liquor Store, it is felt that the impact upon their setting has effectively been addressed by the lowering in height by one storey and relocation of the adjacent block. The fundamental context and key views of both buildings would be safeguarded and any significant harm to their setting mitigated against. Impact upon the setting of the remainder of the complex arising from the proposal would at the same time be negligible. Both buildings are envisaged to have a leisure or employment use in the approved outline planning permission, such that the proposed separation distances are felt to be acceptable. The Authority's Conservation Officer is satisfied that the amended scheme effectively mitigates harm to the setting of the listed building. In giving effect to the statutory duty under Section 66 and the presumption against granting permission it is considered that in this case the presumption is overcome by the other material considerations identified in this report.

#### IMPACT UPON TREES AND LANDSCAPING:-

4.14 Concern has been expressed in relation to the potential further loss of mature landscaping from the bund area surrounding the site to the east and north east. The application however indicates that the overwhelming majority would be retained and reinforced by further extensive on site planting. The development is in that aspect therefore considered acceptable.

#### IMPACT UPON ON-STREET PARKING AND TRAFFIC FLOW IN SURROUNDING RESIDENTIAL SIDE STREETS:-

4.15 Concern has been expressed in relation to the impact of the proposal upon levels of traffic generation and on-street parking in adjoining residential roads. A detailed Transport Statement has however been submitted with the proposal which indicates a significantly lower level of traffic generation than the previously approved outline scheme, which included elements of employment and leisure uses. Suggested parking levels are entirely consistent with the Authority's Adopted Maximum Parking Standards and subject to an enhanced financial contribution to the City Car Club car sharing scheme secured by Section 106 Agreement, the development is felt to be acceptable.

## SUSTAINABILITY:-

4.16 Since the original Outline Planning Permission for the site was granted, the requirements of the Adopted Interim Policy Statement on Sustainable Construction have been amended to take account of changes to Part L of the Building Regulations. As a consequence a minimum of 10% of the energy needs of the development would no longer need to be met by renewable means. Compliance with a minimum of Code 3 for the Code for Sustainable Homes and a BREEAM standard of Very Good for the proposed apartments remains a requirement and would be conditioned as part of any planning permission for the development.

## SITE DRAINAGE:-

4.17 Concern has been expressed in respect of the proposed arrangements for the surface water drainage of the site. The site however lies within Flood Zone 1 which carries the lowest level of risk in terms of flooding and the same methodology for surface water drainage involving attenuation as previously agreed for the Outline Scheme would be applied. This is felt to be acceptable.

## REQUIREMENTS TO BE SECURED BY LEGAL AGREEMENT UNDER S106:-

4.18 The applicant has submitted a Draft Section 106 Agreement carrying forward relevant requirements from the previous Section 106 Agreement covering the Outline Planning Permission covering agreed commuted payments for education and the provision of off-site open space. The provision of an enhanced contribution to the City Car Club car sharing scheme in the interests of sustainable transport is agreed, as is the principle of providing 20% of the units constructed for affordable housing although the detail of how that would be achieved is to be resolved. The total anticipated sums are £275,976 for the provision of off-site open space, £750,008 for the provision of additional primary and foundation educational places and an additional £15,300 for sustainable transport measures. Each of these items is expressed by means of the standard adopted formula and it is recommended that any grant of planning permission be deferred pending completion of an acceptable Section 106 legal agreement to secure the following:

- (i) Education contribution
- (ii) Open Space contribution
- (iii) City Car Club contribution
- (iv) Appropriate affordable housing provision

## 5.0 CONCLUSION

5.1. Full planning permission is sought in respect of phase 2 of the new build housing development which comprises the remainder of the northern half of the former Terry's factory site in the ownership of David Wilson Homes. The proposal envisages the erection of 240 units comprising 79 dwellings and 161 apartments with associated infrastructure.

5.2. The proposals would lead to the reuse of a significant site of wider townscape importance for the City for housing, partially fulfilling targets for housing provision emphasised in the National Planning Policy Framework. At the same time the proposals have been amended since submission to deal with concerns in respect of the relationship of the proposed apartment blocks to the setting of the retained Listed factory buildings in the southern section of the site and the impact of the proposed apartment blocks on the visual amenity of the wider street scene. Overall the apartment blocks have been reduced in height and the block at the southern edge of the site closest to the retained factory buildings has been pulled back 1.3 metres into the site. It is the view of the Authority's Conservation Officer that the amendments taken with the wider context of the scheme give rise to circumstances that outweigh the presumption against development contained within Section 66 and that approval can therefore be given. The setting of the Terry's /Racecourse Conservation Area is at the same time safeguarded and the statutory presumption contained within Section 72 of the Act secured. No further material loss of mature landscaping around the site boundaries is envisaged. It is felt that the resultant scheme is therefore acceptable in townscape terms.

5.3 The previous Outline Permission was given subject to a Section 106 Agreement covering a range of commuted payments for affordable housing, off-site open space provision, provision of additional educational places in the locality and sustainable transport measures based upon the Adopted formulae used for calculation. The applicant has submitted a draft Section 106 Agreement seeking to carry forward these provisions in respect of the new application as well as incorporating the requested enhanced contributions towards sustainable transport measures. The total anticipated sums are £275,976 for the provision of off-site open space, £750,008 for the provision of primary and foundation school places and an additional £15,300 for sustainable transport measures. This is felt to be acceptable although negotiations are on-going in respect of the precise mix of units to be offered in respect of affordable housing. Overall the proposal is felt to be acceptable in planning terms and approval is recommended.

## 6.0 RECOMMENDATION:

That the application be deferred pending satisfactory completion of a legal agreement to secure the following:

- (i) Education contribution
- (ii) Open Space contribution
- (iii) City Car Club contribution
- (iv) Appropriate affordable housing provision on site

On completion of the legal agreement the Director of City and Environment Services by authorised to GRANT permission subject to the following conditions:

1 TIME2 Development start within three years -

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

Drawing Refs:-2287\_PL\_012D;2287\_PL\_013C;2287\_PL\_020E;  
2287\_PL\_600C;2287\_PL\_601C;2287\_PL\_602C;2287\_PL\_603B;2287\_PL\_604C;R-  
1459-  
8B;2287\_PL\_170B;2287\_PL\_370B;2287\_PL\_171B;2287\_PL\_371B;2287\_PL\_172B;  
2287\_PL\_372B;2287\_PL\_173B;2287\_PL\_373B;2287\_PL\_175B;2287\_PL\_130;228  
7\_PL\_330B;2287\_PL\_140;2287\_PL\_131B;2287\_PL\_331B;2287\_PL\_141;2287\_PL  
\_150;2287\_PL\_161B;2287\_PL\_151B;2287\_PL\_360B;2287\_PL\_350B;2287\_PL\_36  
1B;2287\_351B;2287\_PL\_160; 2287\_PL\_509C;2287\_PL\_510C;2287\_PL\_511A and  
2287\_PL\_512A.

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

3 VISQ4 Boundary details to be supplied -

4 VISQ8 Samples of exterior materials to be app -

5 VISQ7 Sample panel ext materials to be approv -

6 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees , shrubs and hard landscaping;. This 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

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

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

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

8 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the Local Planning Authority. Development shall then be carried out in strict accordance with the written approved details and thereafter retained.

Reason: To ensure that the development can be drained properly.

9 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) and with reference to the townhouses, development of the type described in Classes A to H of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity, impact upon the adjacent listed buildings and the Racecourse and Terry's Conservation Area, in the interests of the amenity of the future occupants of the dwellings

10 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 LPA. 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.

11 HWAY1 Details roads, footpaths ,open spaces req. -

12 HWAY7 Const of Roads & Footways prior to occup -

13 HWAY18 Cycle parking details to be agreed -

14 HWAY19 Car and cycle parking laid out -

15 HWAY40 Dilapidation survey -

16 HWAY41 Safety Audit -

17 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

18 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended).

19 No development shall take place until details have been submitted to, and approved by the Council to show how the scheme will minimise light spillage including;

- \* External lighting requirements to be carefully designed to avoid light spillage onto surrounding habitat, in particular the woodland on the eastern boundary.
- \* Security lighting to be on a short timer and motion sensitive to large objects only.
- \* Lights will not to be mounted where they will shine directly on to the surrounding habitat.

Reason: To take account of and to enhance the habitat for a protected species.

20 Prior to the commencement of development details of what measures are to be provided within the design of the new building to accommodate bats and birds shall be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat and bird boxes etc.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

21 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the town house element of the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that

the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

22 Unless otherwise agreed in writing with the Local Planning Authority, prior to commencement of development the developer shall submit in writing and be approved by the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the apartment element of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. The developer shall submit a completion assessment when issued by the BRE. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development

23 Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To safeguard the amenity of residential occupants on the site and in the surrounding area and in the interests of highway safety.

24 EPU1 Electricity socket for vehicles



25 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and 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.

REASON: To protect the amenities of adjacent residents

26 All piling operations shall be carried out using the method likely to produce the least vibration and disturbance and in accordance with submitted document PGI-PMS 1304. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

REASON: To protect the amenities of adjacent residents

27 Details of an acoustic noise barrier to protect the residential garden at plot 183 on the northern and western boundaries of the site shall be submitted to and approved in writing by the local planning authority. These details shall include the construction method, height, thickness, acoustic properties and the exact position of the barrier. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter.

Reason: to protect the amenity of the local residents.

28 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LA eq (8 hour) and 45dB LA max inside bedrooms at night (23:00 - 07:00 hrs ) and 35 dB LA eq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These noise levels shall be observed with all windows shut in the particular 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 approved in each respective phase is occupied. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of residents and business activities at the racecourse.

29 A full Lighting Impact Assessment for all proposals involving floodlighting shall be undertaken by an independent assessor, and the assessment submitted to and approved by the local planning authority prior to installation of any floodlighting. The assessment should include: -

- \* Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- \* Drawings showing the luminance levels (separate drawings for each item listed):
- \* Plan showing horizontal luminance levels ( $E_h$ ), showing all buildings within 100 metres.
- \* Plan showing vertical luminance levels ( $E_v$ ), showing all buildings within 100 metres.
- \* Specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.
- \* A statement of the need for floodlighting.

Reason: In the interests of local and residential amenity.

INFORMATIVE:  $E_v$  is the average vertical luminance, which is a measurement of the quantity of light at height of 1.5 metres above ground.

30 Noise monitoring proposals as required in 4705-13-RevA shall be adhered to at all times during the construction of the development.

All noise generated during the site preparation, groundwork and construction phases associated ancillary operations of the use hereby permitted shall not exceed the following criteria during the above working hours.

The gardens of dwellings at the

- (a) Northern boundary of the site at Cammpleshon Road
- (b) Eastern boundary of the site at Bishopthorpe Road
- (c) Southern boundary of the site at the College of law
- (d) Western boundary of the site

shall not exceed 70 dBA (1 hour) for a continuous period of upto eight weeks in any calendar year, without the prior written notice of the Local Planning Authority. At all other times the noise level from site actives shall not exceed background noise levels.

Reason:- To safeguard the residential amenity of neighbouring properties.

31 Prior to first occupation or use, the approved remediation scheme (as detailed in the Remediation Strategy - ref: 1658/4, dated: July 2014) must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

32 LC4 Land contamination - unexpected contam -

33 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.

i) Typical bay details at 1:20 for each house type, showing parapets, window openings, terraces, balustrades. Special details around entrances and details of conservatories should also be provided. Drawings should be supplemented by larger scale details (1:5) where required to show any special aspects of the detailing.

ii) Typical bay details at 1:20 of each different type of apartment block, including details of the roof condition, lift overruns, roof lights/smoke vents, parapets, modelling of set back upper floors, roof and terrace balustrades, window openings, bay windows, entrance conditions and bridge walk-way (block H only). Drawings should be supplemented by larger scale details (1:5) where required to show any special aspects of the detailing

iii) Large scale details of the deck covering the car park (shown in relation to proposed buildings and existing trees). A defensible landscape margin should be added on the deck next to the windows of blocks C & D.

iv) Boundary walls, gates, fences, railings, external compounds

v) Typical window assemblies including any solid panels, opening panels integrated in the frame. Samples should be provided.

vi) Each type of external door and door surround

vii) Details should be supplemented with manufacturers' literature where appropriate.

viii) Details of any external plant, equipment or lighting scheme (not shown in the landscape drawings) should be provided. Light levels and luminaires should respect the human scale of the site and the ecology of the area.

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

## **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:

\* Amended apartment block design

\* Amended highway layout.

#### **2. HIGHWAY WORKS:-**

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:

Works in the highway - Section 38

#### **3. UTILITIES:-**

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 to works commencing.

#### 4. CONTROL OF POLLUTION ACT 1974:-

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, the following guidance should be adhered to, 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

#### 5. BAT CARE:-

Bats are small, mobile animals. Individual bats can fit into gaps 14-20mm wide. They can roost in a number of places including crevices between stonework, under roof and ridge tiles, in cavity walls, behind barge boards, in soffits and fascias and around window frames. Builders should always be aware of the potential for bats to be present in almost any small gap accessible from the outside in a building. The following guidelines are provided in order to reduce the risk of harm to individual bats;

Roofs to be replaced, or which are parts of a building to be demolished, should be dismantled carefully by hand. Ridge tiles, roof tiles and coping stones should always be lifted upwards and not slid off as this may squash/crush bats.

\* Re-pointing of crevices should be done between April and October when bats are active. Crevices should be fully inspected for bats using a torch prior to re-pointing.

\* Any existing mortar to be raked should be done so by hand (not with a mechanical device).

\* Look out for bats during construction works. Bats are opportunistic and may use gaps overnight that have been created during works carried out in the daytime.

\* If any bats are found works should stop and the Bat Conservation Trust (0845 1300 228) or a suitably qualified bat ecologist should be contacted

**Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416