

2.2 Policies:

Development Control Local Plan (4th Set of Changes 2005) Policies :-

CYGP1 - Design

CYGP4A - Sustainability

CGP15A - Development and Flood Risk

CYGP9 - Landscaping

CYNE6 - Species protected by law

Draft York Local Plan (2014) Publication Draft – relevant policies include:

DP2 – Sustainable Development

DP3 – Sustainable Communities

SS1 – Delivering Sustainable Growth for York

G14 – Trees and Hedges

CC2 – Sustainable Design and Construction

T1 – Sustainable Access

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management – Initially requested deferral pending clarification of transport needs of the anticipated personnel, anticipated level of car and cycle parking needed, on-site parking provision and traffic generation. (NB further information has now been supplied – see 4.15 below).

3.2 Flood Risk Management – States the development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections in principle. Although the Flood Risk Assessment is insufficient to determine the impact on the existing drainage system and downstream watercourse it shows that a proper drainage solution can be provided. Drainage details should be made a condition of approval.

3.3 Environmental Management (Landscape) - The loss of mature trees and a brick wall is regrettable as they are characteristic, attractive landscape features of the barracks that can be appreciated within public views of the site. The loss of

trees should be compensated for with new, large-species, trees planted within the grounds of Imphal barracks in locations where they will be visible such that they can be sustained into full maturity and contribute to the public amenity and setting of the barracks.

3.4 Environmental Management (Ecology) - No objections. Add an informative to protect nesting birds during construction.

3.5 Environmental Management (Archaeology) - Excavations may reveal or disturb archaeological features relating to the original barracks or earlier periods. Two conditions have been agreed with the applicant regarding the carrying out of a post-determination evaluation of the site.

3.6 Public Protection Unit - No objections subject to conditions to cover construction nuisance and contamination.

EXTERNAL

3.7 Ouse & Derwent Internal Drainage Board (IDB) - The site lies outside the IDB district in an area where drainage problems exist. The development should not be allowed until the local planning authority is satisfied that surface water drainage has been satisfactorily provided for. Add a condition requiring drainage details to be submitted including attenuation to agricultural run-off rates, which is generally taken as 1.4lit/sec/ha.

3.8 Yorkshire Water - The applicant should clarify whether surface water discharges to the public sewer network, as stated in the flood risk assessment, or as we believe, already drains to a watercourse.

3.9 Public Consultation - The consultation period expired on 10 July 2015. One objection has been received objecting to any more student housing [Officers' response - The application is not for student housing].

4.0 APPRAISAL

THE APPLICATION SITE

4.1 Part of an army base of 38ha on the east side of Fulford Road about one mile south of York city centre. It comprises approximately 100 buildings providing 70,000sqm of existing floorspace. The site of the proposed building is within the settlement limit of York, although some of the barracks' extensive garages and vehicular hardstandings to the east of the application site are in the green belt. The westernmost part of the base (but not the application site) lies within Fulford Road Conservation Area. The whole of the base is within flood zone 1. The application site is currently being cleared following demolition of the CBRN bunker.

POLICY CONTEXT

4.2 Section 38 of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt. (The application site is not within the Green Belt). Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38 its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF. The relevant local plan policies are set out at paragraph 2.2 of the report. At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF).

4.3 National planning policy is set out in the National Planning Policy Framework (NPPF). The essence of the framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).

PRINCIPLE OF DEVELOPMENT

4.4 The site is in a sustainable location with good access to public transport and local services. The principle of redevelopment on the site is acceptable.

ASSESSMENT OF THE HERITAGE ASSET

4.5 The site is just over 250 metres from the Fulford Road Conservation Area boundary, with the main 2 storey office block in between. The conservation area includes the entrance gateways and adjacent redbrick buildings. A conservation area is a heritage asset. It is government policy that the significance of a heritage asset should be assessed in determining development proposals.

4.6 In assessing the application the Local Authority must 'identify and assess the particular significance' of the heritage asset, in line with the requirements of the NPPF, paragraph 129. It is then necessary to determine what impact the proposals

will have on that significance and where it is considered that there will be less than substantial harm, 'this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use' (NPPF, paragraph 134).

4.7 Given the distance from the conservation area and the intervening building, the proposal would not affect the setting or the public appearance of the conservation area. No harm is therefore identified to the conservation area. It is not therefore considered necessary to "identify and assess the particular significance of the conservation area that may be affected" as set out in the NPPF.

DESIGN

4.8 The National Planning Policy Framework states 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 (paragraph 56). Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative (paragraph 60). 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 (paragraph 64).

4.9 The barracks include a range of building types and sizes in a fairly open setting. The height, scale and design of the proposed building would not look out of place among the neighbouring buildings and the barracks in general. Materials should be made a condition of approval.

ENVIRONMENTAL PROTECTION

4.10 The proposed accommodation is far enough from the A19 to avoid nuisance from traffic noise. There is already living accommodation at the barracks so conditions should be attached to protect the amenity of the occupiers during construction. A site investigation is required to find out whether land contamination is present. If contamination is found remedial action will be required to ensure that the site is safe and suitable for its proposed use. This should be covered by appropriate planning conditions.

LANDSCAPE

4.11 The proposed building has a larger footprint than the bunker it will replace and as a result would require the removal of six mature trees and the demolition of a traditional panelled brick wall. The wall and the trees, which are within a wide grass verge, are typical landscape features that characterise the barracks. The trees are visible from a relatively-short stretch of well-used public footpath/cycleway through the MOD land between Walmgate Stray and Fulford Road. The trees are read as

being internal to the site, and make a significant contribution to this setting. Although their loss would not impact on the amenity of Walmgate stray or Fulford Road conservation area their loss would be regrettable. The trees should be compensated for by replacing the trees on a one for one basis (as a minimum) with advanced nursery stock, large-species trees in locations where they would be visible to the public and where they could be sustained throughout maturity. The proposed landscape plan shows an appealing design for the internal courtyards but the external margins are very narrow and therefore do not provide sufficient depth to accommodate replacement trees of the size that are being lost. The compensatory tree planting should therefore be located elsewhere within proximate land under the applicant's ownership. This should be made a condition of approval.

ARCHAEOLOGY

4.12 The site is in an area of archaeological interest. The applicant has submitted a desk based assessment and has discussed the site with the city archaeologist. It has been agreed that because of the archaeological potential of the site a post-determination evaluation will be carried out. Two planning conditions are proposed to cover this exercise.

FLOOD RISK AND DRAINAGE

4.13 The National Planning Policy Framework (NPPF) sets out the Government's policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. The development is in low risk Flood Zone 1 and should not suffer from river flooding. The site currently drains to an IDB-controlled watercourse. The IDB has stated that surface water run-off should be restricted to greenfield run-off rates. The site is not greenfield so limiting run-off to greenfield rates would be unreasonably restrictive. Nevertheless attenuation is required, albeit to a higher rate than recommended by the IDB. The proposals show that surface water would be attenuated within the site. The details, including the rate of run-off can be made a condition of approval.

ACCESS AND TRANSPORT

4.14 The development would be accessed via the main entrance to the barracks, which is on Fulford Road. Entry is strictly controlled. The site is well away from any public highway. The level of traffic generated by the proposal is unlikely to have any material impact on traffic levels or highway safety. The development would result in the loss of 33 parking spaces with overall a theoretical shortfall at the Barracks resulting from this development of 40 spaces (from a total of 650). The application does not include proposals for their replacement of the spaces lost but there is a very large car park close within the barracks and close to the site of the new building. In practice even at times of personnel surges, all vehicles have been

accommodated at the site, and there are hardstanding areas in addition to the large central car park that can be used if required. The applicant has confirmed that there will be no off-site parking as a result of the development. It is not considered reasonable or necessary to require additional parking to be laid out at the site.

4.15 The applicant intends to provide cycle storage for the occupiers of the building in the courtyard area, at a ratio of one per two occupants. Provision should be made a condition of approval. It is considered that this provision is sufficient at his time. However in addition, the applicant has identified areas for future expansion of cycle parking by a further 80 spaces close to the new accommodation if required.

ECOLOGY

4.16 The application includes a preliminary ecological assessment. Impacts on ecology could occur through the loss of six mature trees. The loss of six mature trees would impact on the general biodiversity value of the site and they should be replaced with similar large specimens within the grounds of the barracks. Currently the site is intensively managed and there is significant potential for improving and creating habitats for biodiversity. A green roof on a proposed shelter within the southern courtyard would enhance the biodiversity of the area. The details of this should be included within a landscape scheme for the development. The site has been found to be unsuitable for bats and therefore no further survey is required. Add an informative to protect nesting birds during construction.

SUSTAINABILITY

4.17 The submission includes a comprehensive sustainability statement. This assesses the development against the criteria from the City of York Council policy GP4 and Interim Planning Statement (IPS) on Sustainable Design and Construction (Nov 2007) and addendum. It points out the proximity to the city centre and the cycle lanes along the A19 and the bus stops just outside the barracks. A green travel plan would be developed for construction staff and visitors to reduce private car use. Despite the small increase in the number of personnel based at the barracks, daily vehicle movements would decrease at the site due to the improved accommodation offer. In terms of pollution, a Construction Environmental Management Plan (CEMP) would be produced to include details on safeguarding water resources, minimising potential impacts from the construction phase. No new external lighting would be installed at the barracks for the new building. An ecological assessment has revealed that apart from the loss of the trees referred to at para 4.13 there is little biodiversity value on the site itself, however relevant works would be timed outside the bird nesting season. New planting in the courtyards would involve native species, as would the compensatory tree planting.

4.18 The statement explains that as the proposed development site is located on MOD estate it is also subject to the requirements of the DIO Secretariat Practitioner Guide 01/11 which states that all Core Works projects must achieve a DREAM

(Defence Related Environmental Assessment Method) 'Excellent' rating at every stage for all new build and major refurbishments. DREAM is taken in this instance to be an equivalent assessment to BREEAM. This would exceed the Council's IPS requirements.

4.19 It concludes that the proposals are for a relatively small development with impacts largely limited to the Imphal Barracks itself. The proposals do not represent a departure from the existing uses of the base or a significant increase in personnel.

4.20 In addition, the proposals have been subject to SEAT (the MOD Sustainability and Environmental Appraisal Tool) to identify sustainability risks and to set out mitigating actions early on in the design process. It is considered that sustainability considerations are well catered for within the proposals.

5.0 CONCLUSION

5.1 The development is required to accommodate military personnel returning to the UK. Due to its location within the confines of the larger barracks complex, and the mitigation measures proposed as described above, the development would have little external impact. The development accords with national planning policy set out in the NPPF and relevant policies of the 2005 City of York Draft Local Plan.

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 submitted plans numbered 14169/IMP-(9-)005/P4, 14169/IMP-(9-)003/P7, 14169/IMP-(9-)002/P5, 14169/IMP-SLA-(05)001/P6, 14169/IMP-SLA-(05)002/P6, 14169/IMP-SLA-(05)003/P7, 14169/IMP-SLA-(05)004/P1, 14169/IMP-SLA-(05)021/P4, IMP-SLA-(05)022/P3, IMP-SLA-(9-)002/P4 and Z9A9128Y12/MMD/IMP00/D/DR/GF/0001/P1.

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 exterior materials to be app

4 Within three months of the grant of planning permission details for the secure storage of cycles, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority and provided within the site in accordance with the approved details. These areas shall not be used for any purpose other than the parking of cycles.

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

5 Within three months of commencement of development a detailed landscape scheme shall be submitted to the Local Planning Authority and approved in writing. The scheme shall include the species, density (spacing), and position of trees, shrubs and other plants. It will also include the provision of 6no. extra heavy standard trees from the following species: Lime, Norway maple, Hornbeam, Beech, Oak to be located outside of the application site but within proximate land under the applicant's control. The 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 substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species throughout the site, since the landscape scheme is integral to the amenity of the development; and in order to compensate for the loss of mature trees that make a significant contribution to the setting of the barracks and the local public amenity.

6 No development shall take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which shall detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the local planning authority and a report submitted to and approved in writing by the local planning authority. A report on the results of the evaluation shall be submitted to the local planning authority within six weeks of the completion of the field investigation.

Reason: The site is located in an area of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ. The work is required to be carried out prior to commencement to ensure that no harm is done to archaeological deposits prior to the archaeological evaluation being undertaken.

7 If, following the carrying out of the archaeological evaluation required by the above condition, the local planning authority so requires, an archaeological excavation of the site shall be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the local planning authority. Reasonable access shall be afforded to any local planning authority-nominated person, who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the local planning authority

within 12 months of the completion of the field investigation.

Reason: The site is located in an area of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences and subsequently analysed, published and deposited in an archaeological archive. The work is required prior to commencement to ensure that no harm to archaeological deposits occurs prior to the archaeological excavation being undertaken

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

Reason: In the interest of satisfactory and sustainable drainage.

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

- a) Calculations and invert levels to ordnance datum of the existing surface water system should be provided together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.
- b) Topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- c) In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

10 Prior to development taking place, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced, submitted to the local planning authority and approved in writing. The report of the findings shall include:

- (i) A survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) An assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, - woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

The investigation and risk assessment shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination during the whole of the construction period and 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 Prior to development taking place, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination during the whole of the construction period and 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.

12 Prior to first occupation or use of the [new accommodation block hereby approved], the approved remediation scheme 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.

13 In the event that previously unidentified contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in by 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.

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.

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

Reason: To protect the amenity of local residents

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the lpa would also expect the CEMP to provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

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

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

Reason: To protect the amenity of local 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 implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority sought further information from the applicant and attached appropriate conditions to the planning permission.

2. DRAINAGE

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDs). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided to discount the use of SuDs.

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

3. NESTING BIRDS

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). To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season 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. There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website
http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx.

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