

## COMMITTEE REPORT

**Date:** 23 September 2010      **Ward:** Fishergate  
**Team:** Major and Commercial      **Parish:** Fishergate Planning Panel  
Team

**Reference:** 10/01743/OUTM  
**Application at:** 6 - 18 Hull Road York  
**For:** Outline application of erection of student accommodation comprising of 282 Bed Spaces within 75 unit clusters in 5 blocks with associated landscaping and access after demolition of existing dairy (resubmission)  
**By:** Uniliving Ltd  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 4 November 2010  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This proposal relates to the erection of student accommodation blocks on the site of the now defunct Hull Road Dairy. This lies on the south side of Hull Road in close proximity to the junction with Melrosegate and Green Dykes Lane. The proposal follows an earlier scheme for 332 bed spaces that was considered by this Committee on 25<sup>th</sup> June 2010 but refused on the grounds of over-development. The new scheme follows extensive negotiation with a new design approach and a reduced number of bedspaces.

1.2 The site is mainly bordered by residential development consisting of two storey town houses and flats with mainly flats in Nicholas Gardens. Further substantial residential development lies to the north of Hull Road. The existing dairy buildings are generally 1 to 2 storeys in height. The land levels rise by approximately 3.5 metres from north to south across the site with the Hull Road frontage being lower than the rear. However the land rises at a steady increase across the site and the levels are largely uniform between the site and adjacent houses. The main difference is with the adjacent buildings on Nicholas Gardens which are approximately 1.5 metres lower than the application site.

1.3 The current scheme consists of 75 clusters of student bed spaces arranged in five blocks giving 282 bed spaces in total. An on-site warden's flat and studio would be incorporated within the scheme and the range of accommodation would be divided between units suitable for post graduate accommodation in lower rise units to the rear of the site with under graduate accommodation laid out in blocks facing Hull Road. The blocks would be arranged around a central courtyard incorporating landscaping and the standard parking and servicing activities accessed from Hull Road. Each accommodation block averages 3 ½ storeys in height with rather smaller blocks of 2 ½ storeys to the rear.

1.4 In terms of previous site history an Outline application for residential development was submitted in 2007 but withdrawn prior to determination. The previous scheme in respect of student housing ref: 10/00583/OUTM sought Outline

Planning Permission for erection of 7 blocks comprising 332 bedspaces incorporating a warden's flat. That scheme was refused on the grounds of over-development and the impact of the proposal upon the residential amenity of neighbouring properties. The site is allocated for housing in the Draft Local Plan.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

### 2.2 Policies:

CYED10  
Student Housing

CYGP1  
Design

CYGP4A  
Sustainability

CYGP6  
Contaminated land

CYH1  
Housing Allocations

CYHE10  
Archaeology

CYL1  
Open spaces in new residential devts

CYT4  
Cycle parking standards

## **3.0 CONSULTATIONS**

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal subject to any permission being conditioned to cover prior approval of the access details.

3.2 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned appropriately to deal with any land contamination, lighting and noise issues.

3.3 Structures and Drainage Engineering Consultancy raise no objection to the proposal subject to details of drainage being conditioned for further approval.

3.4 City Development raise no objection to the proposal subject to any permission being conditioned to require retention of the development as student housing.

3.5 Lifelong Learning and Culture raise no objection to the proposal subject to any permission being conditioned to require the making of a payment in lieu of open space provision on site.

3.6 Design, Conservation and Sustainable Development raise no objection to the proposal. In design terms the resubmitted scheme is felt to be a significant improvement on that previously rejected. It is felt that it creates an appropriate street presence on Hull Road. The layout creates a sense of place within the development with a relatively formal entry court and quieter more formal garden areas to the rear which provide usable amenity space for the residents. The development form is also more appropriate in that it is easier to see the potential for flexibility in future uses. Relationships with adjacent properties are also felt to be more appropriate than that previously submitted although tight in places. It is recommended that materials, means of enclosure and details of cycle parking areas should be conditioned for further approval and that the opportunity for minor amendments to the elevational treatment to improve its crispness should be taken. Landscape advice recognises that a detailed scheme will be the subject of a reserved matters application, but welcomes the inclusion of a verge and trees along Hull Road, noting, however, that the space for trees is tight but acceptable. Comments also state; the garden space to blocks A & B and relates well to the buildings. Ecological advice stresses the importance of enhancing the opportunities to develop natural habitat within the overall development. Responses in relation to archaeology and sustainability will be reported orally at the meeting.

#### EXTERNAL:-

3.7 The Environment Agency raise no objection to the proposal subject to any permission being conditioned to deal with potential land contamination and also surface water drainage issues.

3.8 Yorkshire Water Services raise no objection to the proposal subject to any permission being conditioned to require the submission of a full surface water drainage scheme for further approval.

3.9 Hull Road Planning Panel object to the proposal on the grounds of insufficient parking space being incorporated within the proposal with consequent adverse implications for the amenity of neighbouring residential properties.

3.10 Some 17 letters of objection have been received from local residents in respect of the proposal. The following is a summary of their contents:-

- \* Concern that new student housing should be provided within the University Campus;

- \* Concern that the application site would be more appropriately developed for "affordable housing" for local residents;

- \* Concern that inadequate space has been provided on site for cycle parking and that students will bring cars to park on nearby residential side roads;
- \* Concern that the proposal remains out of scale and over dominant when viewed against its surroundings;
- \* Concern that the revised proposals would represent over-development of a physically tight site;
- \* Concern that the proposal will lead to significant increases in crime and anti-social behaviour in the surrounding area;
- \* Concern that the proposal would result in an adverse impact upon the residential amenity of neighbouring properties by virtue of increased noise and loss of privacy.

## **4.0 APPRAISAL**

### **KEY CONSIDERATIONS:-**

#### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- \* principle of the development;
- \* affordable housing/occupancy;
- \* impact upon the character and appearance of the area;
- \* impact upon residential amenity;
- \* living conditions of future occupants;
- \* parking and highway issues;
- \* open space issues.
- \* archaeological significance of the site.
- \* Sustainability.

### **PLANNING POLICY CONTEXT:-**

4.2 Central Government Planning Guidance outlined in PPS1(Delivering Sustainable Development), PPS 3 (Housing) and PPS5 (Planning for the Historic Environment) has been considered in relation to the current proposal.

4.3 Policy ED10 (Student Housing) of the York Development Control Local Plan is of particular relevance in considering this application. This requires that planning applications for off-campus residential accommodation on windfall sites should meet a series of criteria. Applicants must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, scale and location and the amenity of nearby residents. Car parking must also be satisfactorily managed.

4.4 Policy H1 (Housing Allocations) of the York Development Control Local Plan is of particular relevance in considering this application. This allocates sites for future housing developments within the City of York Council area. The site is allocated as a housing site under this policy.

4.5 Policy GP1 (Design) of the York Development Control Local Plan is of particular relevance in considering this application. This is a general policy where proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area. They should also avoid the loss of open spaces, respect/enhance existing urban spaces and public views, provide individual

or communal amenity space, provide appropriate waste recycling and litter collection arrangements and ensure that residents are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.6 Policy GP4a)(Sustainability) of the York Development Control Local Plan is of particular relevance in considering this application. This policy says that all development should have regard to the principles of sustainable development as outlined in the criteria listed in the policy. Reference should also be made to the Council's IPS on Sustainable Design and Construction which requires developments such as this achieve a BREEAM rating of "very good" (the development is classed as a commercial development as opposed to residential) and 10% of the expected energy demand from an on-site renewable source.

4.7 Policy HE10(Archaeology) of the York Development Control Local Plan is of particular relevance in considering this application. This requires that planning applications for development involving the disturbance of existing ground levels require a field evaluation to assess the extent and importance of any remains found. It must be demonstrated that less than 5% of any archaeological deposits will be disturbed or destroyed.

4.8 Policy GP6(Contaminated Land) of the York Development Control Local Plan is of particular relevance in considering this application. This requires that applications for development on land which may have been contaminated by a previous use should be accompanied by a desk study of the potential for contamination. Should this preliminary assessment indicate a potential for contamination, a more detailed site investigation should be submitted prior to determination by the applicant.

4.9 Policy L1c)(Open Space Provision) of the York Development Control Local Plan is of particular relevance in considering this application. Developments for all housing sites or commercial proposals will be require to make provision for the open space needs of future occupiers.

#### PRINCIPLE OF THE DEVELOPMENT:-

4.10 The development site is allocated for housing in the Draft Local Plan under Policy H1 and the continuing suitability of the site has been assessed through the Strategic Housing Land Availability Assessment with particular reference to location, accessibility and conformity with other strategic policies. Given the nature of the proposal there would be no policy objection with regard to the principle of student development on the site subject to the criteria within Draft Local Plan Policy ED10 being complied with.

4.11 A needs based assessment as required by Policy ED10 has been submitted by the applicant which clearly demonstrates a demand for student housing of the type suggested. The issue of student housing land supply is being examined in detail by City Development and initial findings are reflected in the conclusions drawn by the applicant in the submitted needs assessment here. By providing student accommodation in an actively managed environment and in a central, sustainable location, the proposal would reduce the pressure on private housing in established residential areas (such as Badger Hill), where significant numbers of dwellings have

purchased by landlords and rented to students reducing the supply of both first time buyer and family homes in those areas.

#### AFFORDABLE HOUSING/OCCUPANCY:-

4.12 The accommodation proposed would be capable of being occupied by non-students as single households subject to the appropriate consent being forthcoming. Such occupation on a site of this size would normally require the provision of affordable housing and as such future control over this will need to be exercised. Student accommodation in York forms an important element of the private rented market and competes directly with those on low incomes. Providing the occupancy is suitably controlled by condition, it is not considered that there is a requirement for the provision of affordable housing in connection with this particular application.

#### IMPACT UPON CHARACTER AND APPEARANCE OF THIS AREA:-

4.13 The application site lies to the east of the City Centre along the Hull Road. It lies in a mixed use area with a predominance of residential accommodation either as flats or conventional dwelling houses. Properties to the rear of the site are generally of two to three stories with more substantial structures along the Hull Road street frontage notably to the north and north west of the application site. The previous application was refused on the grounds of impact upon the character and appearance of the area. The resubmitted application has been amended to create a formal central entry courtyard with landscape features flanked by the higher principal student apartment blocks of 3 1/2 storeys on the Hull Road frontage with lower 2 1/2 storey accommodation geared towards post graduate accommodation to the rear. The overall number of units has also been reduced from 332 to 282 to accomplish a general reduction in height and massing. The revised scheme broadly reflects the varied built form of adjoining properties along Hull Road/Lawrence Street and further detailed amendments have added in a pleasing range of details reflecting other similar properties along the Hull Road frontage nearby. In terms of landscaping, the site is densely developed in common with other flatted developments across Hull Road to the north. It is felt that sufficient scope exists within the submitted proposal to secure an appropriate landscape scheme at determination of Reserved Matters stage.

4.14 Officers are now satisfied that the development as amended now broadly reflects the height, density and massing characteristics of the wider street scene and that the proposal in terms of Central Government guidance outlined in PPS-1 (Delivering Sustainable Development -) is appropriate in its context. It is furthermore felt that the terms of Policies ED10 and GP 1 of the Draft Local Plan have now been complied with in relation to the proposal.

#### IMPACT UPON RESIDENTIAL AMENITY:-

4.15 Clear concerns continue to be expressed by objectors in relation to loss of amenity through noise and disturbance as a result of the development, together with overlooking of private gardens and the overpowering and over-dominant nature of the development close to the site boundaries. Central Government guidance outlined in PPS3 "Housing" actively encourages the creation of mixed communities and the achievement of a mix of housing types and household types in any given area. It

states that it is important to create mixed and inclusive communities which offer choice in housing and lifestyle. It does not accept that different types of housing and tenure necessarily make bad neighbours. The current proposal would be actively managed on site with a permanent on-site management presence which would significantly reduce issues of noise and anti-social behaviour.

4.16 In terms of issues of overlooking and over dominance significant improvements have been made on the previously submitted scheme. The overall height of each block together with the available built footprint has been significantly reduced to the extent that the separation distances envisaged with neighbouring residential properties to the rear are now well within those normally accepted in these circumstances. Furthermore the applicant has indicated that significant reinforcement of the site boundaries with the creation of a variety of “green walls” adjoining properties to the rear would be envisaged which would give both visual and acoustic screening especially when combined with the impact of the change in topography across the site. The redesign of the scheme to reduce its height and massing and to lessen the impact of the built footprint, together with the reinforcement of the site boundaries has lessened the impact of the scheme to the extent that it is now felt to be acceptable in terms of its impact upon neighbouring properties.

#### LIVING CONDITIONS OF FUTURE OCCUPANTS:-

4.17 The scheme as resubmitted incorporates dedicated amenity space for each block of accommodation with the two more substantial blocks at the street frontage intended for usage by undergraduates having secluded areas to the rear some 14 metres by 28 metres in area. The smaller blocks intended for occupation by post graduate students to the rear would have similar dedicated informal amenity space serving each unit. Lack of appropriate separation distances was also a reason for refusing the earlier application. In the case of the revised application the two blocks on the main Hull Road frontage are some 12.4 metres apart at the closest point with an average distance of 15.4 metres apart. Each block of post graduate accommodation is some 12.4 metres apart with a distance of 6 metres between the rear of blocks B and C at the closest point. Whilst not entirely suitable for general housing the site layout and availability of amenity space is now considered acceptable in terms of the living conditions afforded the likely occupants.

#### PARKING AND HIGHWAY ISSUES:-

4.18 The site is in a highly sustainable location with good transport links to the City Centre and the nearby university campus. It is also close to well defined and well used cycle and pedestrian links. Car parking is restricted to 8 spaces all for disabled use and is normal for student accommodation of this type. Earlier concerns in respect of the layout and distribution of the spaces have been properly addressed in respect of the re-submitted application. The operational management plan submitted with the application details indicates that tenancy agreements will be used as a means to prevent students bringing cars into the area other than to move in and out of the accommodation.

4.19 In terms of cycle parking the provision of 1 space per two units in secure accommodation accords with the University standard for student accommodation.

Previous concerns in respect of the quality of the cycle accommodation have now been resolved and each area of secure spaces has been successfully integrated into the open space for each block together with the bin stores.

#### OPEN SPACE PROVISION:-

4.20 An off-site open space contribution would be required in connection with amenity open space and sports pitches. The amount required as an off-site contribution would be partially offset by the amount of on-site amenity open space now to be provided as part of the scheme. The applicant has previously indicated that such a commuted payment would be acceptable in principle.

#### ARCHAEOLOGICAL SIGNIFICANCE OF THE SITE:-

4.29 The application site lies within the Area of Archaeological Importance. The applicant has submitted a desk-based assessment with the application and this identifies that the site has the potential to preserve significant archaeological features and deposits. The evaluation highlights the well preserved remains of a 19th Century tannery within the site. The study of such sites elsewhere has been identified as a research priority as important information relating to construction, layout, development over time and technological innovation may be easily gleaned. Whilst the likely remains are significant they are not such as to warrant preservation in situ. In relation to the application as resubmitted the applicant has submitted an evaluation report and has agreed that the associated mitigation strategy may be implemented. The terms of Policy HE10 of the York Development Control Local Plan together with the requirements of Central Government Planning Guidance as outlined in PPS5 "Planning for the Historic Environment" would thus be complied with.

#### SUSTAINABILITY:-

4.30 The application has been accompanied by a full sustainability statement the content of which is acceptable. The applicant has furthermore committed to achieving a BREEAM rating of "very good", the use of a demolition protocol to maximise the reuse and recycling of existing materials, adherence to the Considerate Constructors Scheme and the provision of a minimum of 10% of the energy needs of the site from renewable sources. Providing any permission is conditioned to secure a BREEAM rating of "very good" together with the provision of a minimum of 10% of the energy needs of the site from renewable sources then it is felt that the terms of Policy GP4a) of the Draft Local Plan together with the requirements of the Adopted Interim Policy Statement on Sustainable Construction will have been complied with.

## 5.0 CONCLUSION

5.1 The former COOP Dairy Hull Road comprises a substantial former industrial site lying adjacent to one of the principal approaches to the City Centre. The surrounding area is predominantly residential and the site itself is allocated for a residential use. The proposal envisages the construction of 282 bed spaces in a range of accommodation suitable for both undergraduate and post graduate use. The new scheme has addressed in detail the previous reasons for refusal (design, over-



development and impact upon the residential amenity of adjoining properties) and is now considered to be acceptable. Subject to the imposition of the conditions as set out below, approval is therefore now recommended.

**6.0 RECOMMENDATION:** Approve

1 OUT1 Approval of Reserved Matters

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: landscaping, of the proposed development to be carried out.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

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

Drawing Refs:-Y81:772.01.B; Y81:77.02.B;Y81:772.03; Y81:772.04.A ;Y81:772.10.A ; Y81:772.13.A ; Y81:772.17; 11526-107\_2DT Rev B and 11526-107\_S. Date Stamped 4th August 2010 and Y81:772.11B; Y81:772.12B; Y81:772.14B; Y81:772.15B; Y81:772.16B. Date Stamped 27th August 2010.

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

4 VISQ8 Samples of exterior materials to be app

5 VISQ4 Boundary details to be supplied

6 DRAIN1 Drainage details to be agreed

7 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 14.8 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

8 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £101,520;

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

9 HWAY10 Vehicular areas surfaced, details reqd

10 HWAY14 Access to be approved, details reqd

11 HWAY19 Car and cycle parking laid out

12 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

13 The development shall not be first occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

14 ARCH1 Archaeological programme required

15 ARCH2 Watching brief required

16 NOISE7 Restricted hours of construction

17 The development hereby approved shall be constructed to a BREEAM standard of "very good". A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be

submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a "very good" BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a "very good" rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving sustainable development in accordance with the requirements of Policy GP4a) of the York Development Control Local Plan and the Adopted Interim Planning Statement "Sustainable Design and Construction".

18 No building work shall take place until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate how the development will provide, from on-site renewable energy, 10% of the development's predicted energy demand. The development shall be carried out in strict accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter shall be maintained to at least the required level of generation.

Reason: In the interests of achieving sustainable development in accordance with the requirements of Policy GP4a) of the City of York Development Control Local Plan and the Adopted Interim Planning Statement "Sustainable Design and Construction".

19 The development hereby approved shall be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the City, the details of which shall be included within an occupancy management plan to be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of any part of the development.

Reason: In order to ensure that the Local Planning Authority retain control over the future occupancy of the development and to ensure that the proposal accords with the submitted needs assessment dated June 2010.

20 Prior to any works commencing on site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent properties during the development of the premises.

21 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a) Site Characterisation:- An investigation and risk assessment, in addition to any

assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must 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 options.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

b) Submission of Remediation Scheme:-

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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part II A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme:-

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

22. The development hereby authorised shall be undertaken and operated in strict accordance with the submitted Operational Management Statement Vs 2 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring properties.

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported immediately in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the previously agreed methodology and where remediation is necessary a remediation scheme 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.

24. A scheme of mitigation measures necessary to adequately protect the amenity of local residents from light intrusion shall be submitted in writing to the Local Planning Authority for approval prior to development. The approved mitigation measures must be fully installed prior to the use hereby permitted being commenced. The scheme shall include:

- i) A contour map showing illumination spill beyond the site boundary measured in lux in the horizontal plane.
- ii) The main beam angle of each light source.
- iii) The uniformity ratio in respect of the lighting.
- iv) The level of illuminance measured in lux, in the vertical plane at the windows of the nearest residential properties facing the site.
- v) The height of any lighting stanchions.

Reason: To protect the amenity of local residents.

25. A scheme of sound insulation must be submitted to and approved in writing by the Local Planning Authority before construction commences. This should demonstrate that external noise can be controlled to the following:-

- Less than 35dB (A) 16 hour Leq in study bedrooms during the day time.
- Less than 30dB (A) 8 hour Leq in study bedrooms during the night time.
- Less than 35dB (A) 16 hour Leq in living rooms during the day time.
- Less than 35 db (A) 8 hour Leq in living rooms during the night time (23:00 to 07:00).

Reason: To protect the amenity of the occupiers of the proposed blocks of accommodation.

26. Before the use hereby permitted commences, a scheme of ventilation to the blocks adjacent to Hull Road must be submitted to and approved in writing by the Local Planning Authority. Any scheme submitted must include sound attenuated

ventilation louvers to provide trickle ventilation. Where the external noise levels are such that occupants would be exposed to Noise Exposure Category C, if windows were opened for the purpose of rapid ventilation or cooling, acoustic ventilation units incorporating fans should be fitted to external walls.

Reason: To protect the amenity of occupiers of the blocks of accommodation.

27. HWAY 18 Cycle parking details to be agreed.

28. HWAY 21 Internal turning areas to be provided.

29. HWAY 31 No mud on highway during construction.

30. HWAY 40 Dilapidation survey.

31. Unless otherwise agreed in writing with the Local Planning Authority the development shall not be occupied until a new bus shelter with timetable display has been introduced in accordance with the specification of the Local Planning Authority at the outbound stop on Lawrence Street at the junction with Olympian Court.

Reason: To safeguard the safety and convenience of highway users.

32. The internal pedestrian routes within the development shall be constructed to have a minimum clear width of two metres, and shall thereafter be so maintained.

Reason: In the interests of pedestrian safety.

33. Two metre by two metre sight lines , free of all obstructions which exceed the height of the adjacent footway by more than 1.0 m, shall be provided at the junction of pedestrian footpaths within the site and shall thereafter be so maintained.

Reason: In the interests of pedestrian safety.

34. Prior to the commencement of any works, a detailed method of works statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which this will be permitted.

Reason: To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent highway.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. INFORMATIVE 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 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

## 2. 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 principle of the development, affordable housing /occupancy, impact upon the character and appearance of the area, impact upon residential amenity, living conditions of future occupants, parking and highway issues, open space issues archaeological significance of the site and sustainability. As such the proposal complies with Policies ED10, GP1, GP4a), GP6, H1, HE10, L1c) and T4 of the City of York Development Control Local Plan.

## 3. CONSTRUCTION AND DEMOLITION:-

- i) 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"
- ii) 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.
- iii) 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.
- iv) There shall be no bonfires on the site.
- v) Details of when piling works are to be carried out should be notified to local residents, giving the dates, times and duration.

### **Contact details:**

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