

COMMITTEE REPORT

Date: 26 April 2012
Team: Major and Commercial Team
Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 12/00327/FULM
Application at: Works (Vacant) Carmelite Street York
For: Student accommodation comprising 258 study bedrooms/studios within 8 storey building
By: S Harrison Dev. Ltd And Queens House Joint Venture
Application Type: Major Full Application (13 weeks)
Target Date: 27 April 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to a vacant, unkempt site between Carmelite Street and the Shambles multi-storey car park. The site is at the edge of the Hungate site, which is currently being developed in phases. According to the approved masterplan the proposed building would front onto St John's Square, a public space and focal point at the centre of Hungate, across Carmelite Street would be a 4-6 storey (6-storey facing the application site) building comprising of shops and business at ground floor level and residential above. To the southeast would be a 5-6-storey residential building and a 4-storey car park.

1.2 The site is outside the Central Historic Core Conservation Area which terminates at the River Foss and includes the land to the west of the telephone exchange building. The site is designated as an area at high risk of flooding and is included in the Hungate action area, where the local plan seeks to deliver 1 hectare of premier employment land and a mix of residential, retail, community, cultural and leisure uses.

1.3 The application proposes an 8-storey building that would provide student accommodation, 258 bedrooms in total. There is an extant permission to develop the site for offices and the proposed building retains the building height approved in that scheme.

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: Central Area 0002

Floodzone 2 GMS Constraints: Flood zone 2

Floodzone 3 GMS Constraints: Flood zone 3

2.2 Policies:

CYSP9 Action Areas

CYGP1 Design

CYGP4 Environmental sustainability

CYGP15 Protection from flooding

CYHE2 Development in historic locations

CYHE10 Archaeology

CYED10 Student Housing

CYT4 Cycle parking standards

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Design

3.1 Officers support the revised scheme. The alterations address initial concerns about the elevation that would face St John's Square and distant views of the building's roof.

3.2 The Central Historic Core Conservation Area Appraisal Historic Core Conservation Area Appraisal demonstrates that there are a few places in the city which are capable of absorbing moderately tall buildings without harming the historic skyline and views. Hungate has been judged as such a place due to its relatively low datum (9-10), though this would be raised slightly to reduce flood risk.

3.3 The telephone exchange building and the car park form a visual buffer between the proposed building and the smaller grained 2-4 storey high buildings of Fossgate and Walmgate and therefore the immediate setting of the conservation area would

not be affected. The proposed building would also be masked from The Stonebow and from Foss Islands Road by the scale of future developments on Hungate.

3.4 The open setting of Rowntree Wharf is a recent phenomenon. The Conservation Area appraisal illustrates that the best views of Rowntree Wharf are from the northern bank of the Foss. The two buildings would be separated by a gap of over 60m at their closest point and views from public areas along the northern bank would not be affected.

3.5 The simplicity and scale of the elevation facing the Stonebow elevation is considered to be sympathetic to previous industrial character of the area which is drawn out in the master-plan documents for Hungate.

3.6 The proportions of the entrance elevation have been altered to reduce the effect of the upper floors, which were considered to be overbearing, also the central area of the upper storeys has been set back. The simplification of this elevation has allowed the entrance zone to be angled and it would become more important within the elevation as a whole, thereby reducing the perceived height of the whole building in relation to the scale of the entrance which would become double height. The palette of materials has been simplified with greater use of dressed brickwork. The revisions succeed in unifying the architectural expression of the building and placing greater emphasis at ground level where it will be appreciated by users and from views within St John's Square.

3.7 The management recommendations within the conservation area appraisal state that the Local Authority should seek interesting and sympathetic roofscape design where it contributes to the conservation area and also to key and local views. Although it is outside the conservation area, the top of the building is likely to be seen in local views 14, 15 and 16 (though there would be limited additional effect on view 14 because of the immense distance from the viewpoint and the effect of clustering with other tall buildings).

3.8 The copper coloured roof will be capped and on the elevation facing the Shambles car park the three large bay windows are to be integrated with a termination detail involving a change in material (grey coloured) to provide a stop to the top of the building. Also a balustrade detail has been devised to act as a cornice above the brickwork walls. It is considered due to the materials and detailing, the new building would appear reasonably recessive in views and it would not detract from the skyline of the conservation area.

Sustainable construction

3.9 Conditions are requested to ensure a BREEAM Very Good rating is achieved and at least 10% of the proposals energy demand is from LZC sources. In addition, the applicant needs to provide a firm commitment in writing to the Council to source

all timber products from sustainable sources and to register and achieve certification under the Considerate Constructors or an equivalent scheme.

3.10 District / block heating and / or cooling infrastructure should be considered on this site. District heating and / or cooling tends to be most appropriate in areas with high heat demand, close proximity to heat sources and energy infrastructure, and the type / mix of buildings surrounding the proposal. Given the proximity of the proposal to the City Centre and the Hungate development site officers ask further work is undertaken to determine if district heating and / or cooling systems are appropriate.

HIGHWAY NETWORK MANAGEMENT

3.11 No objection. Officers request a condition which requires a traffic management plan to be agreed. The plan would ensure temporary parking arrangements for when students arrive/depart at the beginning/end of term. Otherwise parking would be restricted as a new Traffic Order is proposed, which will prevent cars parking along Carmelite St and in front of the building (on what would be St John's Square).

ENVIRONMENTAL PROTECTION UNIT

3.12 Officers have asked for conditions to ensure internal noise levels are appropriate for future occupants, the required mechanical plant/equipment does not harm amenity, and a construction management plan is adhered to, to minimise disturbance.

3.13 Contamination: The Desktop Survey and Site Investigation reports submitted with the planning application are satisfactory with regard to human health. Remediation, as recommended in the reports, should be required as a condition of approval. In addition a controlled waters risk assessment (including a detailed conceptualisation of risk posed to the adjacent River Foss and the principle aquifer) is recommended, along with details of piling, or any other foundation designs, to minimise contamination of controlled waters.

SPORT AND ACTIVE LEISURE

3.14 The development falls into Guildhall ward. According to the LDF evidence document Open Space, Sport and Recreation Study 2008 Guildhall ward has a shortage of both amenity and sports open space:-

- City Parks and Gardens - Surplus of 3.73 hectares
- Natural and Semi natural open space - Shortage of 4.91 hectares
- Amenity Green Space - Shortage of 5.04 hectares
- Allotments - Shortage of 2.07 hectares
- Outdoor Sports Facilities - Shortage of 7.03 hectares

3.15 Contributions towards open space and sports facilities should therefore be made. The sports provision need not be as an off site contribution if the applicants can demonstrate that provision is being made for the students (that would occupy this development) at the university.

EMERGENCY PLANNING

3.16 No objection. Content with the flood warning system proposed, which includes use of the EA Flood warnings and their own sensor activated warning system to alert both the occupants and the University to rising river levels.

FLOOD RISK MANAGEMENT TEAM

3.17 The Flood Risk Management Team has no objections to the development in principle. Officers ask for conditions to ensure surface and foul water drainage are approved, and that surface water run-off is reduced in relation to the existing rate. Officers would also want to agree ground levels to ensure the development does not increase flood risk off site.

CONSERVATION AREAS ADVISORY PANEL

3.18 The panel felt that materials should be used with honesty and integrity. The panel would prefer all elevations to be consistent with less use of render and cladding and a well detailed brick building would be preferable. The basic roofline was considered inappropriate in this location where it would look out of place when viewed above existing rooftops in long views. The panel were disappointed overall with the elevational treatment of the proposal but recognised the need for managed student housing in the city.

ENVIRONMENT AGENCY

3.19 To ensure contamination to controlled waters and ecological systems are minimised the EA have asked for a remediation strategy to be prepared for the site and a verification report to confirm contamination has been adequately dealt with. They also ask the foundation design to be agreed.

3.20 The EA consider the supplied flood risk assessment and evacuation plans are acceptable; the development should commence accordingly.

YORKSHIRE WATER

3.21 Ask that the drainage details be approved by the Local Planning Authority and that foul and surface water drainage have separate systems. It is noted that

drainage may connect to the existing system though the network does not have capacity to accept an increase in surface water drainage.

POLICE ARCHITECTURAL LIAISON OFFICER

3.22 No objection.

GUILDHALL PLANNING PANEL

3.23 Object. Consider the building is too large and will dominate the skyline, damaging views of the Rowntree Wharf building. The architectural design of the building and its shape is of poor quality and there is concern the Hungate area, considering that site, the Telephone Exchange and the Stonebow, will be an area where design quality is poor. There is also a lack of parking which will cause disturbance elsewhere.

PUBLICITY

3.24 A public consultation event was publicised in The Press and held on 11.1.2012 at the National Centre for Early Music, Walmgate. 10 people attended the event and there were 5 feedback responses, these were as follows -

- Praise for the design and use of CHP to power the building.
- Good use of the site.
- Welcome the delivery of purpose built student accommodation rather than converting family housing.
- The developers have delivered a good standard of student accommodation at Navigation Road.
- Can a historic reference to the Carmelite Friars be incorporated into this scheme?

3.25 In response to the consultation carried out during the application stage, 4 objections have been received. The grounds of objection are as follows:-

- Recent development is detracting from the setting of the grade 2 listed Rowntree Wharf building. It is becoming 'hemmed in' by modern development which is too dense and tall. Examples given are phase 1 at Hungate which ended up with more flats rather than houses, Gray's Wharf which was originally approved at 6 storey and ended up being 7 storey, student accommodation at Navigation Road, which is too high at 6 storey. The previous approval at this site was for a 6 storey office block, the proposed building is 8 storey.
- A loss of views of the Minster from Rowntree Wharf,

-Concern that Hungate is not developing as envisaged in the masterplan; there will be over-development and too much student accommodation rather than squares, shops and high quality housing.

-There has been increased noise disturbance and litter due to the amount of students already in the area.

-The applicants have not demonstrated that the loss of the employment site can be accommodated without an adverse effect on the supply of office space within the city.

-Overlooking over the future occupants of the proposed residential development on the opposite side of Carmelite Street.

-Impact on highway network due to lack of car parking and drop off points for students at beginning/end of term.

-Inadequate amount of cycle parking.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are:

- Principle of the proposed development/use of the building
- Visual impact
- Impact on the amenity of surrounding occupiers
- Sustainability
- Highway safety
- Flood risk
- Archaeology
- Open space
- Contamination

PRINCIPLE

Loss of employment site

4.2 The site is allocated in the Local Plan as being within the Hungate Action Area. The Local Plan advises that the site will be expected to deliver mixed use development, including employment land and residential uses.

4.3 The site has been vacant for sometime but was previously in business use. Policies CS16: Employment Land of the Core Strategy and E3 of the Local Plan

advise that proposals for non-employment uses which involve the loss of land which was last used for employment uses, will only be permitted where it can be demonstrated that the proposal would not have a detrimental effect on the future supply of employment land in either quantitative or qualitative terms.

4.4 The Council's Employment Land Review identifies adequate land to accommodate future need. It allocates the Hungate Action Area to deliver 12.062 sq m of office space. An area of Hungate not including this site was originally given outline permission for mixed use development in 2002 under application 02/03741/OUT. The permission was renewed in 2008 - 08/00737/FUL. The scheme included 12.062 sq m of office space. As such development of this site, without providing any office space, would not have an adverse effect on the supply of employment land within the city. In addition the site has been unsuccessfully marketed for office use since 2008, when planning permission was approved for an office building on site.

Need for university accommodation

4.5 Local Plan policy ED10 advises that student accommodation should only be provided where there is identified need. The proposed accommodation would be operated by St John University. The university is currently expanding in capacity (application numbers have risen by 50% in the last 3 years) and subsequently there is need for additional student accommodation. Increasingly purpose built and managed sites are seen as desirable, which according to policy ED10 the Council encourages, and the university has recently had two sites developed nearby, at Percy's Lane and Gray's Wharf.

VISUAL IMPACT

4.6 The National Planning Policy Framework (NPPF) advises that good design is a key aspect of sustainable development and is indivisible from good planning. Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Are visually attractive as a result of good architecture and appropriate landscaping

4.7 The NPPF advises Local Planning Authorities should set out a positive strategy for the conservation and enjoyment of the historic environment. Development must conserve or enhance conservation areas. Locally the Central Historic Core Conservation Area Appraisal sets parameters for development which will impact

upon the conservation area. The appraisal identifies key views within the city which must be protected, to preserve the dominance of the Minster on the skyline. It also notes that the roofscape is a key part of the conservation area's character. The management strategy within the appraisal advises that development will be expected to:

- Respect local building heights
- Place importance on the design of roofs and the roofscape: which are often highly visible from raised viewpoints (walls, Clifford's Tower, the Minster). New development should contribute positively to the character of York's distinctive skyline
- Preserve existing views and look to create interesting new ones
- Seek to add to the variety and texture of the Conservation Area, which is one of its defining characteristics
- Use materials appropriate to the status and context of the building

4.8 Development at the Hungate site will be based upon the approved design code document. The document looked at building elements within York, included details on massing and roof detailing, to which the buildings within Hungate will reference.

Massing

4.9 A study was carried out which informed the approved building heights within the Hungate site, considering the site context and its lower AOD (around 5m) in comparison to the Minster area. The building heights within Hungate will be varied, predominantly between 4-6 storey. According to the approved masterplan for Hungate, the block which would sit between Carmelite Street and The Stonebow will be 29.3 / 32.3 m high, the block which would be next to the application site and the Shambles car park would be 32 m high. The proposed building would be 32.5 m at its highest point, comparable to the typical height of the Telephone Exchange building and Rowntree Wharf.

4.10 The height of the proposed building has not increased in comparison to the office scheme which was previously proposed on the site and has planning permission. The additional storeys have been accommodated through the reduction of floor to ceiling heights. The building would not appear over-dominant, or impede key views of the city centre and the Minster due to its height and location. The building will be of comparable height to the existing buildings in the area; Navigation Wharf and the Telephone Exchange building and those envisaged for the remainder of the Hungate development.

Roof form

4.11 A variety of roof styles were found in the city centre, including roofs concealed by parapets and the inclusion of upper floors concealed by setting them back from

the main elevation, and behind parapets. Within Hungate the design code advises that buildings will have a variety of roof styles, to respect the varied roof styles within the city. The Central Historic Core Conservation Area Appraisal advises that the design of new development should incorporate roof design which sits comfortably in its context and contributes positively to key views. This does not mean new developments must have pitched and tiled roofs.

4.12 The elevations of the proposed building will visually terminate with a parapet wall. A top floor is proposed above the main structure which will be recessed and clad in a copper coloured cladding, the variation in material intended to add to the varied roofscape within the Central Historic Core. The approved scheme had a comparable building height with a flat roof. The upper level of the roof would be seen in distant views, from around the city and the City Walls. It is considered it would be an acceptable addition to the city skyline.

Elevations

4.13 The expectation established within the Hungate Design Code is that buildings would have a vertical emphasis, achieved through minimal changes in building line, downpipes, changes in material or colour and variations in height and fenestration. The proposed building would face onto St John's Square and it was expected to be a 'key building' of a scale, height and architectural style that creates the sense of enclosure and grandeur appropriate to the new public space.

4.14 The scheme has been revised since the original submission, with changes to all elevations, apart from the one which would face Carmelite Street. Consequently the building appears more cohesive and less over-bearing; it would predominantly be of brick, a warehouse type building, which integrate visually with the phase 2 building at Hungate and similar buildings along the River Foss. There is one area of white render, to give light to the courtyard. The elevation would predominantly be screened by the Shambles Car Park. The vertical emphasis, sought within the Hungate scheme, is achieved through (deeply recessed) fenestration, downpipes, and subtle changes in building line. The main entrance would front onto the Square, helping to create an active frontage at this level.

4.15 There would be a small courtyard area with landscaping between the side elevation and the Shambles car park. White render has been introduced on this elevation to help bring light into the enclosed area. Planting will be used to help screen views of the bin store from the public realm.

AMENITY OF SURROUNDING OCCUPANTS

4.16 Local Plan policy GP1 refers to design, for all types of development. It requires that proposals have no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures. Policy ED10:

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Student Housing advises applications for off-campus accommodation must not be detrimental to the amenity of nearby residents.

4.17 The nearest affected building within the masterplan for the Hungate area would be the block to the northwest, between Carmelite Street and the Stonebow. The block would be 6-storey in height (with a recessed top floor), with residential units on the upper floors. The proposed development would have 1m wide windows throughout and maintains the 10m separation distance and the same typical building height as the approved 2008 scheme. The building would be at least 60m from the nearest existing residential building and it would not therefore appear unduly overbearing or over-dominant over these buildings. The Hungate area (according to the Hungate Design Statement) is intended to be an extension of the city centre, with mixed use development and a 'vibrant' spaces, a student housing development would not conflict with this aspiration.

SUSTAINABILITY

4.18 In accordance with York's Core Strategy Document, which will be adopted as policy following approval from the Secretary of State, the development will achieve a BREEAM rating of Very Good and carbon emissions will be reduced as a CHP: combined heat and power system (an identified low/zero carbon technology) will be used which will reduce emissions by 25%. CHP will generate electricity on site while utilizing the waste thermal energy to heat the domestic hot water. The accommodation proposed is ideally suited CHP, as the use generates significant demand for water and electric space heating.

4.19 A District heating system has been discounted as the development is intended to be ready for the beginning of term in September 2013. The developers of the adjacent Hungate site have been unable to give a planned start date for the construction of phase 2, or the remainder of the development for which has yet to seek reserved matters approval. The application site is adjacent the last phase of Hungate, and so it could be many years before a CHP system would be available for connection to the proposed student accommodation.

HIGHWAY SAFETY

4.20 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.21 The development would provide inclusive access. 129 cycle parking spaces are proposed which would be covered and secure (1 per 2 students). At Gray's Wharf and Navigation Road (the applicants other student housing developments),

there has been demand for no more than 1 space per 10 students. The development would be in a comparable location, within walking distance of the university, the city centre and transport links. It is likely the provision provided will be more than adequate to meet demand.

4.22 Two disabled parking spaces are proposed. Maximum car parking standards in the Local Plan for student accommodation within the city centre, but outside the footstreets, is 1 vehicle space per 5 units. The parking provision is not objected to given the type and location of the development. The NPPF advises planning should encourage sustainable transport methods through locating development where the need to travel is minimised. As this development is for student accommodation and within walking distance of the university and city centre, there is no need to require private car parking for occupants. The site is next to a multi-storey car park (open all day) which could be used by any staff.

4.23 Although there is no need for permanent parking, arrangements are required at the beginning and end of term when students are moving in and out. The university will prepare a management plan to deal with this period to ensure there is no undue disturbance to the highway network at such times. The management plan can be agreed through a condition. The details will ensure that vehicle movements are limited accordingly, and it will be agreed with Highway Network Management the extent of parking that will be able to occur along Carmelite Street (where parking will be restricted by double yellow lines otherwise).

FLOOD RISK

4.24 The NPPF advises that schemes should ensure flood risk is not increased elsewhere and that development is appropriately flood resilient and resistant, including safe access and escape routes where required.

4.25 The application site is within flood zone 3a. Student accommodation is classed as a more vulnerable use which can only be permitted in flood zone 3a when the sequential and exception tests have been passed (apart from where sites are allocated for the proposed use in an up to date Local Plan).

4.26 There is a demonstrable need for university accommodation within the city and the scheme passes the sequential test as there are no other available sites in more suitable locations, considering flood zone classification and proximity to the university and the city centre.

4.27 To pass the exception test the development must a) Provide wider sustainability benefits (environmental, social and economic). b) Be located on previously developed land. c) Be safe, without increasing flood risk elsewhere. The development passes the exception test on the following grounds:-

Criteria a and b) The development would make effective use of previously developed land in a central location, which is need of, and designated in the Local Plan for regeneration, and meet local requirements in terms of sustainable design and construction, and renewable energy targets.

c) The internal ground floor level would be above 10.6AOD, which is 590mm above the 1 in 100 year flood level and consistent with the requirement set for buildings at the Hungate site. The university would adopt a flood evacuation plan, which would monitor water levels in the Foss and ensure the building would be evacuated before the site were inundated with flood water. The Council's Emergency Planning team is content that this approach is suitable and would not place any additional burden on the emergency services in times of flood.

4.28 In accordance with York's Strategic Flood Risk Assessment surface water drainage from the site would be reduced, to 70% of the existing rate. This shall be achieved through the installation of underwater storage tanks and a hydrobrake system, which would accommodate and restrict surface water run-off accordingly.

ARCHAEOLOGY

4.29 The site is within the city centre area of archaeological importance as such policy HE10 of the Local Plan is relevant. The policy seeks to asses and preserve (at least 95% of) important archaeological remains. The development is intended to be constructed with pile foundations, which will not disturb more than 5% of the underground archaeology. This can be secured as a condition of approval. An underground storage tank is also required to hold surface water run-off before it is discharged. A condition can ensure that this can be accommodated without damage to archaeology of importance, which is located below 7.0AOD.

OPEN SPACE

4.30 Local Plan policy L1c requires developments to make provision for the open space needs of future occupiers. The type of open space required is dependent upon whether the existing open space in the locality is adequate, and whether it has the capacity to accommodate the proposed development. For student accommodation open space and sports pitches provision is to be assessed. According to the 2008 open space study, there is a shortage of both in the Guildhall ward. The proposed development is arranged in a series of clusters (x42) and self contained rooms (x6). For the purpose of calculating the amenity open space contribution each cluster has been deemed equivalent to a 3-bed flat and the self-contained rooms a 1-bed flat. This gives a contribution of £18,612. The contribution toward sports pitches can be secured by a financial contribution or agreed to if the university agrees to dedicate funds towards either enhancing university facilities or increasing public access to their facilities. This can be secured through a suitably worded condition.

CONTAMINATION

4.31 A desk top study and ground investigation have been carried out which have determined that the level of contamination on site is low. Remediation has been recommended by the applicants, which Environment Protection Unit officers deem to be adequate. The appropriate remediation recommended and validation of such can be secured through conditions. To avoid contamination of controlled waters details of piling for foundations will need to be agreed and an appropriate risk assessment undertaken.

5.0 CONCLUSION

5.1 The development is welcome in that it will continue the regeneration of the Hungate area, and develop a site that has been derelict for sometime. The area is appropriate for student housing, which would contribute to the envisaged vibrant character of Hungate. The building would be of acceptable appearance, of sustainable construction and safe from flooding. There would be no undue effect on heritage assets, amenity and highway safety. Approval is recommended subject to conditions, in particular to require that the building is used for student accommodation only, and not private housing, and that it is operated in accordance with the agreed flood risk management plan.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Site layout D 103

Floor Plans D 201 - 206

Elevations D 401 - 404

Sections D 301 - 303

External levels D 104

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

3 The development hereby approved shall be let to or hired by and occupied by either students engaged in full time or part 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 occupational management plan to be submitted and agreed in writing by the Local Planning Authority prior to the occupation of any part of the development.

Reason: In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of affordable housing, in accordance with Policy H2a of the City of York Draft Local Plan.

4 The development shall not be occupied unless and until details of provision for public open space (amenity open space and sports pitches) 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 alternative 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: amenity open space - £18,612, sports pitches provision - £51,342.

5 Sustainable design and construction

The development hereby approved shall achieve at least a BREEAM Very Good rating (or equivalent) and at least 10% of the predicted energy requirements for the building shall be obtained from low or zero carbon technologies. The Considerate Construction scheme or equivalent shall be adhered to during construction and all timber products used in construction shall be from sustainable sources.

Details of how the building shall at least meet the 10% requirement shall be approved in writing by the Local Planning Authority prior to development commencing and the development carried out in accordance with the approved details thereafter.

A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of first occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local

Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

6 Materials: Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

A sample panel of the brickwork shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved

Reason: So as to achieve a visually cohesive appearance.

7 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.

- a) Windows and their surrounds (typical detail, to include bay windows)
- b) Substation and cycle store entrance
- c) Eaves
- d) Parapet including railings
- e) Balconies
- f) Elevation of top floor level
- g) Glazed stairwell on Carmelite Street elevation and its surrounds
- h) Rainwater goods
- i) External railings and gates.
- j) External lighting including location and fittings

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

8 Cycle parking

The cycle parking as shown on the ground floor plan drawing D-201 shall be provided prior to occupation (129 spaces). Cycle parking shall be secure. Details of the means of enclosure for the external spaces shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in accordance with the approved plans for the lifetime of the development

unless otherwise agreed by the Local Planning Authority.

Reason: To promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

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

Reason: In the interests of highway safety.

10 Highway management: A detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The a statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing

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 Waiting restrictions on Carmelite Street/St John's Square: The development hereby permitted shall not come into use until the following highway works: Traffic Regulation Order on Carmelite Street to be revoked and replaced with a new Traffic Regulation Order for waiting restrictions on Carmelite Street and Hungate/St John's Square, have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority (extent of waiting restrictions shown on drawing D-104), or arrangements entered into which ensure the same.

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

12 Student Arrivals Traffic Management Plan

The development hereby approved shall occur in accordance with a Student Arrivals Traffic Management Plan. Prior to the occupation of the site, details shall be agreed in writing with the Local Planning Authority of arrangements to manage student arrivals and departures on the adjacent public highway at term change-over times. The arrangements shall be submitted to and approved by the Local Planning Authority on an annual basis thereafter.

Reason: in the interests of highway safety and to ensure the free flow of traffic.

13 Landscaping: The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme (hard and soft measures) which shall illustrate the number, species, height and position of trees and shrubs to be planted. 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 overall appearance and variety, suitability and disposition of species within the site.

14 The development shall not be occupied until details of the following foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, carried out in accordance with the approved details and reasonable managed and maintained for the lifetime of the development.

a) Peak surface water run-off from the proposed development restricted to a maximum of 14.0 lit/sec.

b) Site specific details of the flow control device manhole limiting the surface water to the 14.0 lit/sec.

c) Storage volume calculations, using computer modelling, to 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 shall 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. The full range of modelling is required.

d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.

Reason: To reduce flood risk in accordance with York's Strategic Flood Risk Assessment.

15 The development shall be occupied in accordance with the flood risk management measures detailed in the AECOM Flood Evacuation Plan dated January 2012. In addition finished floor levels shall be set no lower than 10.6 m above Ordnance Datum (AOD) and a floodable void shall be provided between the existing ground level and proposed floor levels.

Reason: To mitigate against flood risk and in the interests of the safety of future occupants.

16 Contaminated land

To ensure that the site is fit for occupation the following measures shall be approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details:-

a) Prior to commencement of development, a controlled waters risk assessment (including a detailed conceptualisation of risk posed to the adjacent River Foss and the principle aquifer) shall be approved in writing by the Local Planning Authority.

Reason: The site is located adjacent to the river Foss and over a principal aquifer. Given the previous industrial use of the site and adjacent land, detailed consideration should be given to the potential for contamination impacting controlled waters.

b) Prior to commencement of development, 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 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 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.

c) Prior to final occupation, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be approved, in writing by the local planning authority. The report

shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

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.

17 In the event that any contamination that was not previously identified is found 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, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

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.

18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To avoid contamination as piling can create preferential pathways to the aquifer (given the sensitive nature of the underlying groundwater in this area care should be taken when choosing foundation solutions).

19 ARCH1 Archaeological programme required -

20 ARCH2 Watching brief required -

21 Archaeology: To ensure the reasonable preservation of archaeological remains the following measures shall be adhered to:

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- a) No development shall take place until a foundation design and statement of working methods, which preserve 95% of the archaeological deposits on the site, have been approved in writing by the Local Planning Authority.
- b) No development shall commence until the applicant has submitted a method statement detailing the creation of a piling platform, the piling methodology, a methodology for identifying and dealing with obstructions to piles and these have been approved by the Local Planning Authority.
- c) No destruction or disturbance shall be made to archaeological deposits below the level of 7.0m AOD except for that caused by the boring or auguring of piles for the building foundation and except for that caused by any other operations which have been agreed in writing by the Local Planning Authority in advance of such other operations being carried out.

Reason: The site lies within an Area of Archaeological Importance and the development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

7.0 INFORMATIVES:

Notes to Applicant

1. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:
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 visual impact, impact on heritage assets, impact on the amenity of surrounding occupiers, sustainability, highway safety and flood risk. As such the proposal complies with Policies SP9, GP1, GP4, GP15, HE2, HE10, T4, T13 and T20 of the City of York Development Control Local Plan.

Contact details:

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