



## Notice of a public meeting of

### Planning Committee

- To:** Councillors Reid (Chair), Boyce (Vice-Chair), Shepherd, Ayre, Carr, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, Richardson, K Taylor and Warters
- Date:** Monday, 25 March 2019
- Time:** 4.00 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

#### Site Visits

Would Members please meet at the National Railway Museum (Leeman Road entrance)- Mallard Suite at 10:00am on Wednesday 20 March 2019

Members are advised to wear appropriate footwear and clothing for walking areas of the site

#### 1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

## 2. **Minutes** (Pages 5 - 18)

To approve and sign the minutes of the meetings of the Planning Committee held on 24 January 2019 (attached) and 21 February 2019 (to follow).

## 3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5:00pm on Friday 22 March 2019**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

To register, please contact the Democracy Officer for the meeting on the details at the foot of this agenda.

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## 4. **Plans List**

This item invites Members to determine the following planning application:

### a) **York Central** (Pages 19 - 170)

Outline planning application with all matters reserved for the redevelopment of York Central, Leeman Road to provide a mixed-use development of up to 379,729 m<sup>2</sup> of floorspace Gross External Area

(GEA) primarily comprising up to 2,500 homes (Class C3), between 70,000 m2 and 87,693 m2 of office use (Class B1a), up to 11,991 m2 GEA of retail and leisure uses (Classes A1-A5 or D2), hotel with up to 400 bedrooms (Class C1), up to 12,120 m2 GEA of non-residential institutions (Class D1) for expansion of the National Railway Museum, multi-storey car parks and provision of community uses all with associated works including new open space, ancillary car parking, demolition of and alterations to existing buildings and associated vehicular, rail, cycle and pedestrian access improvements [Holgate Ward] [Site Visit]

## **5. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

### Democracy Officer

Angela Bielby

Contact details:

- Telephone: 01904 552599
- Email: a.bielby@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

**এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)**

**Ta informacja może być dostarczona w twoim  
własnym języku. (Polish)**

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

**یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جا سکتی ہیں۔ (Urdu)**

** (01904) 551550**

**PLANNING COMMITTEE**

**SITE VISIT**

**York Central Outline application**

**Wednesday 20 March 2019**

**Members are advised to wear appropriate footwear and clothing for walking areas of the site.**

Time (Approx)

10:00 – National Railway Museum (Leeman Road entrance) Mallard Suite

10:30 – Short Walking tour of the site

11:00 – Coach pick up point (off cinder lane) for tour of the centre and north of the site and visit water end/millennium green.

11:45 - Return to the National Railway Museum via coach

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## **Abbreviations commonly used in Planning Reports**

(in alphabetical order)

AOD	above ordnance datum
BREEAM	building research establishment environmental assessment method
BS	British standard
CA	conservation area
CIL	Community Infrastructure Levy (Regulations)
CEMP	construction environmental management plan
CYC	City of York Council
DCLP	Draft Development Control Local Plan 2005
DCSD	Design Conservation and Sustainable Development team
dB	decibels
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EDS	ecological design strategy
EIA	environmental impact assessment
EPU	Environment Protection Unit
FRA	flood risk assessment
FTE	full time equivalent
FULM	major full application
GCN	great crested newts
HGV	heavy goods vehicle
IDB	internal drainage board
IPS	interim planning statement
LBC	listed building consent
LGV	large goods vehicle
LPA	local planning authority
NERC	Natural Environment and Rural Communities Act (2006)
NHBC	National House Building Council

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
OAN	objectively assessed need
OUTM	major outline application
PROW	public right of way
RAM	reasonable avoidance measures
RTV	remedial target value
RSS	Regional Spatial Strategy
SHMA	Strategic Housing Market Assessment
SINC	Site of Interest for Nature Conservation
SHLAA	Strategic Housing Land Availability Assessment
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
TPO	tree preservation order
TRO	Traffic Regulation Order
VDS	village design statement
WSI	written scheme of investigation
VAS	vehicle activated signage
VOA	Valuation Office Agency
WHO	World Health Organisation



City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	24 January 2019
Present	Councillors Reid (Chair), Boyce (Vice-Chair), Shepherd, Ayre, Carr, Cullwick, Cuthbertson, D'Agorne, Doughty, Galvin, Looker, Richardson, Warters, Flinders (Substitute for Cllr Funnell) and Pavlovic (Substitute for Cllr K Taylor)
Apologies	Councillors Funnell and Pavlovic

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### Site Visits

Application	Reason	In attendance
Spark York Piccadilly	To allow Members to familiarise themselves with the site	Councillors Reid, Shepherd, Carr, Cullwick, Cuthbertson, Galvin, and Richardson
York Cemetery, Cemetery Road	To allow Members to familiarise themselves with the site	Councillors Reid, Shepherd, Carr, Cullwick, Cuthbertson, Galvin, and Richardson

### 52. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

### 53. Minutes

Resolved: That the minutes of the last meeting held on 19 December 2018 be approved and then signed by the chair as a correct record.

**54. Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

**55. Plans List**

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**56. Land Adjacent Sewage Works At Hessay Industrial Estate, New Road, Hessay, York [17/00670/FUL]**

Members considered a full application from Anthea Tate for the erection of an asphalt plant with associated infrastructure on the land adjacent to Sewage Works at Hessay Industrial Estate, New Road, Hessay, York.

An officer update was given during which Members were advised of a correction to paragraph 4.11 of the report which should have stated that the Applicant's case for very special circumstances will be examined in detail in paragraphs 4.12 – 4.19 and 4.36 – 4.39 of the report.

Members were informed of the receipt of two additional detailed further representations from the Applicant's solicitor on 21 January 2019 and from the Applicant's agent on 22 January 2019 which had been circulated to Members. The representations raised additional planning issues concerning sustainability, the case for Very Special Circumstances and the alternative sites for the asphalt plant. Officers addressed the representations made on behalf of the applicant and confirmed that it was the view of officers that presumption in favour of sustainable development is dis-applied by virtue footnote 6 to paragraph 11 to the NPPF when the application of Green Belt policies in the NPPF provide a clear reason for refusing the

development proposed. Officers advised Members of further local representations that had been received.

In response to questions from Members, officers clarified that: Concerning the potential for the works to harm or result in removal of the boundary hedge lying directly to the west of the A59/New Lane junction, the overall conclusion was that the landscape harm was not in reference to the hedge and this was not a reason for refusal of the application.

Roger Hildreth (neighbouring farmer to the site), spoke in objection to the application. He explained that his dairy farm was less than 130 metres from the industrial estate. He noted the effect of pollution on his cows and that if the plant was built this would result in the closure of his farm which would affect employment.

Steve Mills (local resident), spoke in objection to the application. Representing three generations of his family living in Hessay, he explained that the plant was an inappropriate development in the Green Belt and he noted that the plant would impact noise and the Green Belt, and transport, namely the junction of the A59/New Lane, Hessay.

Mark Barratt (Chair of Hessay Parish Council), spoke in objection to the application. He noted that Hessay was a tranquil village and the plant was the equivalent of a 6/7 storey building in the Green Belt. He noted that there had been no public meeting with the applicant and he outlined residents concerns regarding safety, health, the effect on wildlife and the impact on residents' quality of life. He suggested that the access to the site could not be delivered and the approval of the application would set a precedent for Green Belt applications.

Jeremy Williams (Agent on behalf of a number of residents of Hessay and Hessay Parish Council), spoke in objection to the application. He explained that the applicant had failed to demonstrate that very special circumstances existed and the development constituted inappropriate development. He added that there was significant concern from residents on the transport levels via the introduction of heavy and slow moving traffic.

Cllr Steward (Rural West York Ward Councillor), spoke in objection to the application. He outlined his concerns regarding

transport and traffic noting that the junction of the A59/New Lane was problematic for slow moving vehicles, and that the hedge was also a significant issue. He stated that there were no very special circumstances for the plant and cited the resulting light, noise and smell as well as the site being in the Green Belt and there being issues with transport as reasons for refusal.

In response to Member questions, Cllr Steward explained that:

- Regarding the lack of other available and suitable site, a very small area had been looked at.
- As well as the neighbouring dairy farm, concerning food production on the industrial estate there was a facility dealing with raw meat on the industrial estate.
- Concerning the noise impact of the development, he noted the reference to noise in the Officer report.

Julian Sturdy, York Outer MP, spoke in objection to the application. He explained that the proposal would have significant detrimental effect on Hessay residents and would have a dangerous impact on the junction of the A59/New Lane. He added that the height of the building would impact on visual amenity, that the applicant could not demonstrate very special circumstances and that the development threatened the openness of the Green Belt. In response to a Member question he stated that as noted by Mr Hildreth, the plant would severely impact Mr Hildreth's farm and land around the site.

Anthea Tate (Applicant), spoke in support of the application. She stated that the application was the same as that submitted in March 2017 and was recommended for approval at the August 2017 Planning Committee meeting. She noted that with regard to traffic, the Secretary of State concluded that significant impacts were unlikely regarding any congestion, highway capacity or road safety issues. She noted that regarding noise concerns, CYC officers agreed there would not be a material impact on the amenity of neighbouring properties. She added that concerning visual impact, of the 16 viewing plains, that were submitted in the Heritage Impact Assessment and the Landscape and Visual Impact Assessment, only two of these were concluded as being of borderline significance. She outlined the number of agencies that had not objected to the application and then addressed why the two suggested alternative sites of Pigeon Cote, Huntington and Full Sutton Industrial Estate were unsuitable. She concluded by listing the reasons for very special circumstances.

Members asked Officers a number of questions to which it was clarified that:

- The site was clearly in Green Belt and the designation of a major site in the Green Belt did not exist in the NPPF. Because the site was in Green Belt it needed to be determined in Green Belt policy.
- The site was comparable to the alternative Pigeon Cote site.
- There had been no representations from the minerals industry regarding a lack of available sites.
- It was the view of CYC highways officers that the concerns regarding the junction of the A59/New Lane had been addressed.

Following a detailed debate it was:

Resolved: That the application be refused.

Reason:

- i. Hessay Industrial Estate comprises a medium sized employment site of some long standing occupying a former MOD depot on land within the general extent of the York Green Belt to the north of Hessay village. Planning permission is sought for erection of a coated aggregates manufacturing plant situated within a building incorporating a mixing tower with associated chimney to be located at the western edge of the site. The site had a planning permission for erection of a fuel storage depot ref: - 10/00861/FUL dating to 2010 which was not implemented. A previous proposal incorporating an asphalt plant linked with the reinstatement of the rail head within a materially larger section of the site was submitted in 1999 but subsequently withdrawn. The total application site comprises some 7,200 sq metres in area which sets it within Schedule 2 of the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations for which the application has been screened.
- ii. The development comprises inappropriate development within the Green Belt. In terms of other harms the height and design of the proposed mixing tower and chimney would detract from the setting of the

historic City contrary to the purposes of designation of the Green Belt outlined within paragraph 134 of the NPPF. The height of the associated structures even not notwithstanding their relationship to the buildings of the former depot would also give rise to substantial harm to the openness of the Green Belt. At the same time it has been identified that the scheme would give rise to conditions prejudicial to the safe and free flow of traffic at the junction of the A59 and New Lane Hessay by the introduction of an increase in heavy slow moving vehicles entering and leaving the junction at peak times. A scheme has been submitted to address the junction layout however it would involve a degree of harm to the adjacent boundary hedge to the west which is in third party ownership. The landowner has indicated their opposition to the scheme and as such there is not a reasonable prospect of the scheme being implemented within the lifetime of any permission.

- iii. In order to support the proposal the applicant has provided a case for “very special circumstances” as required by paragraphs 143 and 144 of the NPPF to clearly outweigh the harm to the Green Belt and any other harms. This is based upon a shortage of production capacity within the standard 35 mile travel distance and that does demonstrate some lack of capacity within the area of the City and the rural area directly to the north with consequent impacts upon the deliverability of construction projects. The case should be read in conjunction with the submitted alternative sites exercise. This appears to indicate that no suitable non-Green Belt sites are available for the proposal. However, detailed research indicates that two sites at Pigeon Cote Farm Huntington and Full Sutton Industrial Estate which are outside of the Green Belt are both suitable and available. As a consequence attaching substantial weight to the harms identified to the Green Belt, “very special circumstances necessary to justify the inappropriate development in the Green Belt are not therefore demonstrated. Planning permission should therefore be refused.
- iv. The proposal would give rise to conditions substantially prejudicial to the safety and convenience of highway users at the junction of the A59/New Lane Hessay by

introducing volumes of heavy and slow moving traffic to the junction at peak times which may not reasonably be mitigated by works within the existing highway without harm to third party land contrary to Policy IO2 of the Publication Draft North Yorkshire and York Minerals and Waste Local Plan.

- v. The proposal comprises inappropriate development within the Green Belt by virtue of the substantial harm caused by the associated structures to its openness. The submitted detail fails to demonstrate a case for “very special circumstances” that would outweigh the harm to the Green Belt caused by inappropriateness and any other harm resulting from the proposal as required by paragraph 144 of the NPPF.

**57. York Cemetery Trust Kiosk, York Cemetery, Cemetery Road [18/01620/FUL]**

Members considered a full application from Dr Richard Keesing for a single storey extension and alterations to building to form volunteers centre with associated facilities and tool store (resubmission) at York Cemetery Trust Kiosk, York Cemetery.

An officer update was given. This included clarification on the wording of paragraph 5.5 of the officer’s report and an update on additional representation received from the Flood Risk Management Team (FRMT). Following the advice of the FRMT it was recommended that an additional condition concerning drainage was imposed on any grant of planning approval.

Dr Richard Keesing (Applicant and Chair of Trustees at York Cemetery Trust), spoke in support of the application. He outlined the restoration work that had been undertaken at the cemetery and explained that the role of volunteers was essential to the running of the cemetery. He noted that there were no adequate facilities for volunteers and educational groups. This would be addressed by the proposal for a volunteers centre.

Clive Dawson, (Chairman of the Friends of York Cemetery), spoke in support of the application. He explained that there were up to 70 volunteers at the cemetery, who were missing a place to meet. He listed a number of projects with local schools,

noting the need for an educational facility. He explained how the visitors centre would be used and would be of benefit to volunteers and visitors to the cemetery.

The architect for the application was in attendance to answer questions and in response to a question from Members clarified the location of roof lights on the building plans.

Following debate during which a number of Members commended the work of volunteers at the cemetery, it was:

Resolved: That the application be approved subject to the conditions listed in the report and following additional condition and informative:

Additional condition

9. No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Informative

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 (SuD's). 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 i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site



itself. Testing should also be carried when proposing permeable paving.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Council's 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 by way of CCTV drainage survey 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 must 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 or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a 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.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

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

Reason:

- i. The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.
- ii. National planning policy (para. 145) states that the construction of new building in the Green Belt should be regarded as inappropriate unless it falls within one of the exceptions to this outlined in paragraph 145 b of the NPPF. The proposal has been assessed to represent appropriate facilities for the cemetery, however, the development is inappropriate development because, for the reasons outlined above, it fails to preserve the openness of the Green Belt and conflicts with the purposes of including land within the Green Belt, namely parts C and D of policy 134 of the NPPF (assisting in safeguarding the countryside from encroachment and preserving the setting and special character of historic towns), contrary to paragraph 145b of the NPPF.
- iii. York Cemetery is a Grade II\* listed Historic Park and Garden and contains a number of individually listed buildings, most notably the Chapel (Grade II\*), Lodge (Grade II) and the railings along the boundary with Cemetery Road (Grade II). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be

given to the asset's conservation. It is considered that the siting of the proposed building would not harm the landscape and design heritage significances of the garden cemetery and the setting of the Lodge would not be harmed as a result of the current proposals. The proposal does not result in harm to any of the heritage assets identified.

- iv. It is also acknowledged that space within the Cemetery is at a premium and this proposal represents the most reasonable siting for a building of this use without further harming the Green Belt or causing harm to listed buildings (including the railings) and the character and appearance and setting of the Historic Park and Garden as a whole.
- v. The extensions and alterations to an existing tool shed and toilet provision to provide a multi-purpose room would provide suitable facilities to assist volunteers in operating and maintaining the cemetery for the public benefit. Having attached substantial weight to the harm to the Green Belt, it is therefore considered that the considerations set out in paragraphs 4.45 to 4.50, 5.3 and 5.4 of the Committee Report would collectively clearly outweigh the harm to the Green Belt. No other harm has been identified and that the very special circumstances necessary to justify the proposed development exist.

**58. York Cemetery Trust Kiosk, York Cemetery, Cemetery Road [18/01621/LBC]**

Members considered an application for Listed Building Consent from Dr. Richard Keesing for a Single storey extension and alterations to building to form volunteers centre with associated facilities and tool store (resubmission) at York Cemetery Trust Kiosk, York Cemetery.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason:

- i. York Cemetery is a Grade II\* listed Historic Park and Garden and contains a number of individually listed

buildings, most notably the Lodge (Grade II). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- ii. It is considered that the installation of the gates between the Lodge and the existing 'potting shed' would not harm the Cemetery Lodge, in terms of impact upon fabric, subject to further details provided by condition nor would it harm its setting.

**59. Spark York Piccadilly York YO1 9PB [18/02268/FUL]**

Members considered a full application from Samuel Leach for the erection of a temporary stretch tent canopy over existing shipping containers (retrospective) at Spark York, Piccadilly, York.

An officer update was given in which Members were advised that condition 3 would be applied from when the canopy was erected the following September.

In response to Member questions it was confirmed that:

- Each planning application would be looked at on its own merits.
- The health and safety assessment of the canopy would have been undertaken by building control.
- If refused, the timescale for appeal was 6 months from the decision notice.
- The period for the installation of the canopy was conditioned in line with the application.

Following debate in which Members expressed a number of different views it was:

Resolved: That the application be approved subject to the conditions listed in the report.

Reason:

- i. The application is to allow the canopy during temporary periods, between September and May the following year.

- ii. In principle allowing the structure subject to a condition requiring a temporary installation only would not conflict with National Planning Policy Guidance on the use of planning conditions which states that "a temporary planning permission may be appropriate on vacant land/buildings to enable use for a temporary period prior to any longer term regeneration plans coming forward (a meanwhile use) or more generally to encourage empty property to be brought back into use. This can benefit an area by increasing activity".
- iii. The addition of the canopy causes a low level of harm to the character and appearance of the Central Historic Core Conservation Area. The applicants consider the canopy is necessary for Spark to be viable during its tenure. It is accepted that the Spark development is desirable on economic grounds, both in terms of the business it facilitates and also assisting with the vitality, viability and regeneration of Piccadilly.
- iv. To grant permission, subject to conditions, on times the canopy can be in-situ and regarding the finish above the entrance, would bring about a public benefit that would outweigh the low level of harm to the conservation area and prevent any harm to the significance of the grade II listed Red Lion or to St Deny's Church. As a consequence the proposals would be acceptable when assessed against the NPPF and even when considerable weight and importance is given to this harm.

Cllr A Reid, Chair

[The meeting started at 5.00 pm and finished at 7.25 pm].

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**COMMITTEE REPORT**

**Date:** 25 March 2019                      **Ward:** Holgate  
**Team:** Major and                              **Parish:** Holgate Planning Panel  
                    Commercial Team

**Reference:** 18/01884/OUTM  
**Application at:** York Central Leeman Road York  
**For:** Outline planning application with all matters reserved for the redevelopment of York Central, Leeman Road to provide a mixed-use development of up to 379,729 m<sup>2</sup> of floorspace Gross External Area (GEA) primarily comprising up to 2,500 homes (Class C3), between 70,000 m<sup>2</sup> and 87,693 m<sup>2</sup> of office use (Class B1a), up to 11,991 m<sup>2</sup> GEA of retail and leisure uses (Classes A1-A5 or D2), hotel with up to 400 bedrooms (Class C1), up to 12,120 m<sup>2</sup> GEA of non-residential institutions (Class D1) for expansion of the National Railway Museum, multi-storey car parks and provision of community uses all with associated works including new open space, ancillary car parking, demolition of and alterations to existing buildings and associated vehicular, rail, cycle and pedestrian access improvements.

**By:** Network Rail and Infrastructure Limited And Homes England

**Application Type:** Major Full Application Environmental Statement (16 weeks)

**Recommendation:** Approved subject to Section 106 and SOS

**1.0 RECOMMENDATION**

That delegated authority be given to the Assistant Director of Planning and Public Protection to:

- i. refer the application to the Secretary of State for Communities and Local Government under the requirements of section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to
- ii. the conditions set out in this report; and
- iii. completion of an agreement under s.106 of the Town and Country Planning Act.

## 2.0 PROPOSAL

- 2.1 The application seeks outline planning permission with all matters reserved for the comprehensive phased redevelopment of the land west of York Railway Station, off Water End and Leeman Road and known as York Central to provide a mixed-use development of up to 379,729 m<sup>2</sup> of floorspace Gross External Area (GEA). The proposals mainly comprise:
- Up to 2,500 homes (Class C3),
  - between 70,000 m<sup>2</sup> and 87,693 m<sup>2</sup> GEA of office use (Class B1a),
  - up to 11,991 m<sup>2</sup> GEA of retail and leisure uses (Classes A1-A5 or D2),
  - hotel with up to 400 bedrooms (Class C1),
  - up to 12,120 m<sup>2</sup> GEA of non-residential institutions (Class D1) for expansion of the National Railway Museum,
  - car parking including multi-storey car parks,
  - community uses,
  - a large public square (to be known as New Square) between the National Railway Museum and York railway station,
  - a large public park (to be known as Central Park)
  - new access road between Water End and Marble Arch
  - closure of the eastern end of Leeman Road
  - cycle and pedestrian access improvements
  - improved access to the western side of York railway station,
  - demolition of and alterations to existing buildings.
- 2.2 Various buildings and structures on the site (as shown on drawing YC-PP 002) would be demolished to enable the development to be built, namely:
- London and North Eastern Railway (LNER) Traders' Store for Associated Biscuit Manufacturers (Old Biscuit Warehouse) (Minster House);
  - Works Delivery Office;
  - Wagon Works;
  - Concrete Depot;
  - Fragment of North Eastern Railway (NER) Power Station;
  - Small buildings in Engineering Works area;
  - Integrated Electronic Control Centre;
  - Signalling Maintenance Centre;
  - Howarth Timber Yard;
  - Hertz Rental Yard; and
- 2.3 Railway lines shown for demolition on drawing YC-PP 002 will be removed to facilitate the construction of the proposed Development, with some retained or re-used in Central Park.



### 3.0 THE APPLICATION

- 3.1 The promoter of the site is York Central Partnership (YCP), a public-sector partnership of Homes England, Network Rail, the National Railway Museum and City of York Council. The applicant for the scheme is Homes England and Network Rail.
- 3.2 Although all matters are reserved (i.e. layout, scale, appearance, access and landscaping) the scope of the proposals is defined by three control documents submitted with the application:
- A series of spatial parameter plans showing, among other things, development zones, site levels, building heights and basement areas;
  - A development specification describing the development, with quantum;
  - A design guide providing guidance for developers which should be reflected in the reserved matters applications.
- 3.3 The application is accompanied by a suite of other documents including:
- Plans for Information
  - Illustrative Masterplan
  - Design and Access Statement
  - Environmental Statement
  - Planning Statement and Addendum
  - Sustainability Statement
  - Retail Impact Statement
  - Drainage Strategy
  - Flood Risk Assessment
  - Foul Sewerage and Utilities Statement
  - Arboricultural Report
  - Statement of Community Involvement
  - Energy Statement
  - Affordable Housing Statement
  - Transport Assessment
  - Framework Travel Plan
- 3.4 The proposal constitutes schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations, 2017. In May 2017 a scoping opinion was sought from the local planning authority (17/01128/EIASP). In July 2017 the council confirmed that the development would be likely to have significant environmental effects and issued its formal opinion on the aspects of the environment that should be considered. The information in the submitted environmental statement is sufficient for the local planning authority to understand the likely environmental effects of the proposals and any required mitigation. The EIA Regulations require this environmental information as well as representations received about the

environmental effects of the development to be taken into account in the determination of the planning application.

- 3.5 MHCLG has received a formal request from a member of the public asking the Secretary of State to call in the planning application for his determination. In the event that the council is minded to grant planning permission the application shall have to be forwarded to the Secretary of State so that the case can be assessed and a decision made on whether call-in is warranted.

#### **4.0 DEVELOPMENT LAYOUT**

- 4.1 The general layout and distribution of uses would be as prescribed by the parameter plans but the form, character and appearance and would be set by the reserved matters applications, informed by the development specification and design guide. The submitted masterplan is illustrative but reflects the specification, design guide and design intent described in the planning application.
- 4.2 A fundamental element of the scheme is the provision of an access road from Water End, through the site to link with Leeman Road Tunnel which would be reduced to one trafficked lane. The road would serve the new development and provide a vehicular access to the west side of York station. Cycle and pedestrian facilities would be provided throughout.
- 4.3 Alongside the road for most of its length would be a linear public park (Central Park) to serve the development.
- 4.4 The built development would comprise a series of character areas and development zones (as annotated on the parameter plans). The character areas are:
- Station Quarter (zones B, C D and F).
  - National Railway Museum (zone G)
  - York Yard South (zones E, J and M),
  - Foundry Quarter (zones H, K, L, N and P) and
  - Central Park
- 4.5 Station Quarter would be at the eastern end of the site, next to the railway station. It would mainly comprise offices, multi-storey car parks, hotel and retail/leisure uses. The retail and leisure uses would support the needs of the new residential and business communities which would be located on the site, as well as visitors to the National Railway Museum. Some zones in Station Quarter would have a range of uses, including residential, depending on market conditions. This part of the development would, in essence, be a new commercial quarter for the city. Maximum building heights would range from approximately 13m to 30m. At the heart of the quarter would be a new public space (New Square).
- 4.6 To the north of Station Quarter is the National Railway Museum. Closure of the eastern end of Leeman Road would enable the two main museum buildings (the Great Hall and Goods Station) to be linked by a new central gallery. As well as providing gallery space the new building would provide level access (not currently available) between the two buildings. In front of the museum would be a new public space, Museum Gateway.
- 4.7 To the west of Station Quarter would be the two main residential areas,

Foundry Quarter and York Yard South separated by the access road through the site and a linear park, Central Park, along the length of the site and following the general alignment of the road. Maximum building heights for Foundry Quarter would range from approximately 9m to 21m. For York Yard South they would be approximately 8m to 25m.

## 5.0 APPLICATION SITE

- 5.1 The site occupies 46.3 hectares (114.3 acres) and lies to the west of the City centre. In essence it comprises the land between the East Coast Main Line (ECML) to the north, the Freight Avoiding Lines (FAL) to the south, York railway station to the east, and the public highway at Water End to the west. The site is predominantly brownfield land with railway infrastructure and rail lines making up a significant part of the area, along with business, industrial and storage uses. Existing development in this area is predominantly low level, with single-storey buildings and open storage yards.
- 5.2 The site includes the National Railway Museum, which sits astride Leeman Road. The museum's main buildings (the Great Hall and the Goods Station) are linked by a private underpass beneath Leeman Road. Three of the museum buildings are Grade II listed, i.e: the Goods Station, weigh office and gate piers. The Museum site includes an area of rail lines known as South Yard, which is used for the display of trains and a steam train running line.
- 5.3 Part of the application site lies within the curtilage of the Grade II\* listed York railway station. The station and land to the east of it (including the city walls - a scheduled monument) lie within the Central Historic Core Conservation Area. To the south of the site (but not abutting it) is St Paul's Square and Holgate Road Conservation Area.
- 5.4 To the west of York railway station and within the application site, is a series of open surface car parks to serve railway car parking requirements. These car parks are accessed via Cinder Lane. They have been created within existing structures, including the former coal drops area which is a brick structure set approximately 4 metres below the level of the existing Cinder Lane.
- 5.5 At the western end of the site is Millennium Green an area of open space used for walking, recreation and community events. Holgate Beck, a tributary of the River Ouse, crosses the Site in an existing culvert, with an un-culverted section of the Beck running through the open space. Part of the open space to the west of Holgate Beck is an identified Local Nature Reserve.
- 5.6 The application site includes two fingers of land (at Wilton Rise and Chancery Rise) linking the application site to Holgate Road.
- 5.7 To the east of the Leeman Road Tunnel the site encompasses the adopted highway land of Station Rise and Leeman Road. Within the site (i.e. surrounded by it but not comprising part of it) is the modern housing

development of St Peter's Quarter. It comprises three and four-storey town houses and apartment blocks. Access to the development is from Leeman Road.

- 5.8 Leeman Road runs through the site linking Garfield Terrace and Kingsland Terrace to the north of the site with Station Rise to the east. The route has a height restriction at both ends (3.3m at Leeman Road Underpass in the north and 3.7m at Leeman Road Tunnel in the east). The site has no other public vehicular access.

## **6.0 BACKGROUND AND RELEVANT PLANNING HISTORY**

- 6.1 The redevelopment of York Central has been in the offing since the end of the second world war as rail use significantly declined on the site. With the closure of the carriage works and the transfer of freight traffic / sidings to other locations the land become largely redundant with only residual stabling and maintenance facilities still in operation.
- 6.2 In 2008 an early retail-focussed scheme came to nothing, when the complexity of land ownerships and problems with access coincided with the economic downturn. However, the ambition in the city to see this land developed never went away. Over the last four years Network Rail and Homes England have acquired the remaining leaseholds for the remaining freight sidings and third party land, formally removed land from operational rail use with the Office of the Rail Regulator and transferred maintenance functions elsewhere on their estate. For the first time the land is in the ownership of a public sector partnership and is now capable of being brought forward for comprehensive redevelopment.
- 6.3 Until now the site has had limited planning history, reflecting its principal uses for rail and industry. Within the last five years four planning applications have been approved. None relate to the current proposals or the comprehensive redevelopment of the site.
- 6.4 The planning application was submitted in August 2018. Revised proposals and further information about the application were submitted to the council in January 2019. The revisions and information respond to comments from the local community, statutory consultees and interested parties since the planning application was submitted.

## 7.0 PRE-APPLICATION ENGAGEMENT BY APPLICANT

- 7.1 Planning policy guidance encourages developers to engage with the local planning authority and third parties prior to submitting a planning application. For York Central this engagement has extensive. In January 2016 the council sought public views on the then emerging masterplan. The consultation had over 1,200 responses which were analysed and the key points fed into the emerging masterplanning process. At the same time, the National Railway Museum held a parallel consultation on its proposals.
- 7.2 In August 2017 the partnership carried out 6 weeks of consultation on the three main access options for the site – two from Water End and one from Holgate Road via Chancery Rise. The responses informed YCP’s decision to access the site from Water End.
- 7.3 In November 2016 the York Central Community Forum was established to facilitate engagement by YCP with the local communities and groups around York Central and across the city. Forum meetings took place every 1-2 months depending on the intensity of the project.
- 7.4 In light of comments on the approach to earlier engagements on York Central, the Partnership recognised the need for a more comprehensive approach and one that was based on engagement with the community rather than just consultation. The Partnership therefore developed an overarching engagement strategy, which was endorsed by the forum, and then used to inform all the stages of engagement that followed.
- 7.5 As part of the new overarching strategy the partnership appointed My York Central which sought to involve the community through a shared responsibility for the area and its future. Measures taken included community events, weekly open analysis workshops, compiling briefs on key issues, encouraging feedback and maintaining an online blog.
- 7.6 The Partnership developed a 4 stage engagement strategy and working with My York Central, implemented it in December 2017. The consultation measures included, among other things:
- A more detailed engagement with the community and interest groups
  - Presentation of a more developed version of the emerging masterplan
  - A public exhibition at festival of York
  - Themed workshops
- 7.7 The final stage of consultation focused on two main elements - an overview of the Stage 3 feedback and emerging amendments to the masterplan which were being incorporated into the planning application. This stage comprised nine events related primarily to the following topics:



- more detailed work around the masterplan design and the approach to governance.
- further clarity around the movement proposals.
- further information about connections through and around the NRM.

7.8 In addition to participating in these public consultation events the partnership and My York Central, the National Railway Museum engaged with the public directly through two public exhibitions in July 2018. The exhibitions focused on providing background to the National Railway Museum's aspirations as part of the redevelopment of York Central and more information about the proposed central gallery and access options. Six potential access options were presented, with the public being invited to comment on these and encouraged to suggest alternative ideas.

7.9 The extensive feedback received from members of the public, and interested parties informed and shaped the outline planning application proposals for York Central.

## **8.0 PRE-APPLICATION ENGAGEMENT WITH CYC**

- 8.1 In 2017 the partnership sought pre-application planning advice from the council. An inception meeting was held on 25 September 2017 attended by representatives from the council, YCP and YCP's consultants. It included a discussion of the main issues in the development of the site and the key actions to resolve them. Since then YCP and council officers have met fortnightly, then weekly, to resolve the issues raised and develop the proposals. That engagement has continued up to and since formal submission of the planning application in August 2018.
- 8.2 Statutory consultees and over 800 local occupiers were consulted by letter on 29<sup>th</sup> August 2018. They were all reconsulted (together with anybody who had made a representation about the application) in January 2019 when revised proposals were submitted.

## **9.0 CONSULTATION ON THE APPLICATION**

### **9.1 INTERNAL**

### **9.2 Forward Planning**

York Central is allocated as a strategic site (ST5) within the draft Local Plan (2018) and we acknowledge through the plan that the redevelopment of this site is a significant opportunity for the city.

The Publication Draft City of York Local Plan 2018 (the emerging plan) was submitted for examination on 25 May 2018. The weight that can be afforded to the emerging policies has been assessed in accordance with paragraph 48 of the NPPF according to:

- a. the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c. the degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the emerging plan is a material consideration in the determination of planning applications.

Policy H1 (Housing Allocations) includes 1,700 homes on the York Central site (ST5) over the lifetime of the plan to 2038. The potential for more homes was confirmed through the consortium's response to the local plan, therefore policy SS4 (York Central) allows the flexibility to accommodate between 1700 and 2500 dwellings on the allocation. The application's maximum residential scenario is therefore in compliance with policy SS4 and H1.

York Central is located within our identified city centre and city centre extension zone under policy H2 (Housing Density). Housing developments in these zones are expected to achieve 100dph. This policy acknowledges that higher density will be supported where it is located adjacent to high frequency transport hubs and that strategic sites should use this as a general guide but may override the approach in this policy subject to specific masterplanning. The average net density across the site will be 101 dph. The approach to site density is therefore in general compliance with policy H2 although further clarification is sought regarding the distribution of densities across the site. To ensure compliance with this policy, high density development on the southern boundary will need to ensure that there is appropriate access to frequent transport as it extends away from the railway station and existing transport hub.

Policy H3 (Balancing the Housing Market) seeks to balance the delivery of

different types of housing to ensure we deliver housing that reflects the need across the city. This includes a range of housing types to meet the needs of individuals, families and older people. The policy is clear that the final mix of dwelling types and sizes needs to consider the evidence within the Strategic Housing Market Assessment (SHMA). The SHMA shows that the majority of the need in the City is for 2 and 3 bed family accommodation (70-80%). It is accepted that the range of housing across allocations proposed in the plan will vary by site and that York Central is compatible with higher density living as set out in policy H2. It is anticipated that the delivery of apartments will be synonymous with smaller units e.g. 1 and 2 bedroom units which, if supported, will need to be balanced against the potential requirements for family accommodation across the city. It is anticipated that supporting this mix onsite will be balanced with the provision of a suitable proportion of larger homes on other strategic housing sites out of the city centre identified in the plan. Policy H9 (Older Persons Specialist Housing) requires strategic sites (over 5ha) to include provision for older persons accommodation. The SHMA (2016) analysis identifies that over the 2012-2033 period there is an identified need for 84 specialist units of accommodation for older people (generally considered to be sheltered or extra-care housing) per annum. Such provision would normally be within C3 use class and is part of the objective assessment of need. It is acknowledged that independent living and extra care schemes can be delivered consistently within a C3 use. This application is seeking C3 residential use and therefore can be consistent with policy H9 if appropriate provision is made.

To be consistent with policy H4 (Promoting self and custom housebuilding), strategic sites are required to supply at least 5% of the dwelling plots for sale to self builders or small/custom housebuilders subject to appropriate demand being identified. Evidence of demand is held through the Council's Self Build and Custom House Building Register.

The application for York Central is set to deliver a maximum of 2,500 homes and therefore, to be policy compliant with policy H5 (Gypsies and Travellers), is required to provide up to six pitches for gypsies and travellers either on-site or through a commuted sum payment for off-site provision.

Policy H10 (Affordable Housing) requires York Central to provide 20% affordable housing. Based on the maximum residential scenario this equates to approximately 500 affordable dwellings. The policy also requires that the tenure split in terms of social renting and intermediate housing reflects the SHMA requirements of 80% social rent and 20% low cost market homes.

Policy SS4 (York Central) includes offices (B1a) as one of the permitted uses on the site. This aligns with policy EC1 (Provision of Employment Land), which allocates 100,000sqm of B1a floorspace on the York Central site

representing the largest employment allocation within the plan. This provision is recognised by the plan to be a primary function of the site's development. The application states that the site could deliver a minimum of 70,000sqm (GEA) B1a and B1b floorspace to a maximum of 87,693sqm (GEA). The location of the blocks for office development on the York Central site is supported as it is clear that their concentration to the rear of the station should lead to a vibrant new commercial quarter. Despite this support for the location of the office use on site, the range of floorspace proposed is below the allocation quantum set out in policy EC1. The maximum floorspace scenario of 87,693 sqm of office floorspace is not fully compliant with Policy EC1 but it would provide for the majority (88%) of the required provision. It is also noted that the application site area is different to the local plan allocation boundary for ST5, which extends to the front of the railway station. It is therefore considered that there may be some potential outside of the application boundary for additional office development bringing the total quantum in line with policy EC1. Evidence on this further provision within the wider ST5 allocation would need to be provided for the forthcoming local plan examination in order to demonstrate to the Inspector that the employment land requirements can be met by the current allocations in the submitted local plan without requiring additional land to be allocated.

The minimum office floorspace provision of 70,000 sqm would be considerably less than the 100,000 sqm required through policy EC1 and would therefore risk undermining the submitted local plan unless evidence of additional deliverable floorspace as part of the wider ST5 allocation can be demonstrated.

Whilst it is recognised that there can be crossover between some B1b and B1a uses, we consider that the development should contain predominantly B1a with only ancillary B1b use to ensure compliance with policy EC1. Whilst part of ST5 falls within the city centre boundary (as shown on the proposals policies map), in retail planning policy terms York Central is considered to be an 'edge of centre' location. The National Planning Policy Framework (NPPF) defines 'edge of centre' location as a 'location that is well connected and up to 300m from the Primary Shopping Area'. Policy SS3 (York City Centre) of the emerging plan states that retail (A1) uses will be acceptable in principle within the designated Primary Shopping Area (PSA). Outside of the PSA the sequential test and impact tests will apply in order to protect the vitality and viability of the city centre. In line with policy R1 (Retail Hierarchy and Sequential Approach) a sequential test and retail impact assessment have been undertaken. If planning permission is to be granted, planning conditions should be attached to restrict the operation of the retail and leisure floorspace proposed in order to mitigate the potential significant adverse trading effects upon York city centre's Primary Shopping Area.

Subject to planning conditions controlling the quantum, format and operation of retail floorspace, the proposals are in line with paragraph 89 of the NPPF and policy R1 of the emerging plan.

Policy GI1 (Green Infrastructure) recognises that green infrastructure has a multi-functional role in supporting healthy communities, cultural value, a buoyant economy and aiding resilience to climate change, all of which are relevant to this application. The policy requires the protection and enhancement of recreational open space and increasing provision where a deficiency is identified.

In accordance with Policy GI6 (New Open Space provision) and based upon the 2,500 dwellings in the maximum residential scenario, there is a shortfall in on-site amenity space of 16.49ha requiring either this provision on-site or through a commuted sum payment of £2.77 million, which should be enshrined in a s.106 obligation.

The application does not and cannot accommodate, within the development, the type and quantum of outdoor sports provision required by policy. In accordance with Policy GI6 this shortfall in provision should be provided through a financial contribution of £829,209 towards sports provision off-site.

The submitted sustainability and energy statement is consistent with policies CC1 (Renewable and Low Carbon Energy Generation and Storage), CC2 (Sustainable Design and Construction of New Development) and CC3 (District Heating and Combined Heat and Power Networks). It is acknowledged that, due to the long timeframe for development of the site, the intention to produce feasibility studies for each future application is a pragmatic approach to demonstrate compliance with policy.

York Central is, in principle, a sustainable location. However, negotiations between the applicant, the LPA and the bus operators are yet to conclude. In order to be policy compliant with policies, T1 (Sustainable Access)(part a), T2 (Strategic Public Transport Improvements and SS4 (York Central)(part x) it will need to be demonstrated that the whole of the site is accessible by public transport. The council will need to be satisfied that delivery of the Framework Travel Plan (FTP) is sufficiently resourced to make it effective in reducing the demand for travel by private motorised vehicles generated by the development.

To ensure compliance with policies T1(b), T3 (York Railway Station) (iv) and T5 (Strategic Cycle and Pedestrian Network links and improvements), the council needs to be satisfied that the proposed pedestrian/cycle accesses into/out of the site can and will be delivered at an appropriate time.

To conclude, the policy requirements of emerging plan policies DP1, DP2, DP3, DP4 SS3, EC1, R1, R3, R4, H2, H3, H4, H9, H10, HW2, HW3, HW4, HW5, HW7, ED6, D1, D2, D3, D4, D5, D6, GI1, GI2, GI3, GI4, GI6, CC1, CC2, CC3, ENV1, ENV2, ENV3, ENV4, ENV5, T1, T2, T3, T4, T5, T6, T7, T8, C1 and DM1 should be applied with moderate weight. Policies SS1, SS4, H1 and H5 can be afforded limited weight. Although consistent with national policy, these policies have outstanding objections, which will be resolved through the local plan examination.

### 9.3 Health, Housing and Adult Social Care (Housing Development)

The application includes 20% affordable housing, which is in accordance with CYC policy. Following viability assessment and discussion with officers the applicants have agreed to change the tenure mix to 80% social rent and 20% discount sale and/or shared ownership. This revised mix is in accordance with CYC policy.

Affordable housing provision therefore amounts to 16% social or affordable rent and 4% discount sale or shared ownership. This level of affordable provision should apply to all phases of the development.

Smaller apartment blocks (3 or 4 storeys) for affordable flats and/or ground floor apartments should be considered with resultant lower service charges and management challenges. The varied massing of the block typologies in the Design Guide could facilitate this approach and successfully integrate affordable apartment provision within the new community.

If separate private and affordable blocks of apartments are agreed as a way to minimise service charges and ease management, they must share play areas, public open space, communal buildings, cycleways and pathways without any effect on affordability.

Houses, as opposed to apartments, can be very easily integrated and managed, with a positive influence on overall inclusion and scheme value. A layout comprising predominantly apartments will not be considered suitable if the amount and type of play space is inadequate for the number of families who will live in the affordable accommodation.

### 9.4 Design, Conservation and Sustainable Development (Archaeology)

The eastern part of the site lies within the Central Area of Archaeological Importance. The whole of the site lies in an area where archaeological features and deposits of local regional and national significance are preserved. The site is therefore of archaeological interest.

The application site today is a complex landscape that has significant potential to preserve important undesignated heritage assets, in particular: remains of

the Roman cemetery and other Roman period features around York railway station; the presence of waterlogged peat deposits that could provide important evidence relating to the prehistoric and Roman occupation of York; and features and deposits that relate to the development of York as one of the most important centres of railway activity in the 19<sup>th</sup> century.

The overall impact if the development on sub-surface deposits cannot be adequately understood in the absence of a deposit model, which has not been done. The application includes proposals for basements, which would require excavation up to 6m deep. This would have a highly adverse impact on any archaeological deposits.

The approach previously set out within the EIA Scoping Report should be followed to support this outline application, including the creation and submission of a deposit model for the site. This will ensure that the impact of the development can be adequately assessed. It will ensure that there is a clear evaluation procedure in place and that there are a range of mitigation options available. This should all be contained in an Archaeological Remains Management Plan for the site.

#### 9.5 Design, Conservation and Sustainable Development (Ecology)

Overall there will be a net loss in biodiversity as a result of this development. Brownfield sites can be very valuable for wildlife, providing a mosaic of bio-diverse habitats. In particular the York Central site contains extensive areas of ephemeral habitat (e.g. the limestone ballast of railway sidings). This is considered to be the most ecologically significant habitat on site due to the invertebrate assemblage it supports. Taking into consideration the proposed mitigation, there will be an overall loss of 89% of this habitat from the site. The loss of this habitat will result in a permanent moderate adverse effect which is significant at the local authority level. There will also be a residual loss of broadleaved woodland habitat.

Part of Millennium Green is designated as a Site of Importance for Nature Conservation (SINC). The area of SINC habitat is far enough east of the proposed access road that it should be possible to retain the MG4 grassland habitat in its entirety; however this will need careful protection throughout the construction phase. The correct future management of Millennium Green will also be essential as it is reasonable to assume that recreational pressure and other 'urban edge effects' (litter etc) that can cause deterioration of habitats will increase as a result of the development.

The smith's shop building located at end of Carleton Street supports a confirmed Common Pipistrelle day roost, and this building is due to be demolished. Common Pipistrelle bats are common and widespread throughout the UK and classed as a species of 'least' conservation concern.



The requirement for a European Protected Species Licence will prevent any direct harm.

Updated ecological information will be required across all phases of the development (Reserved Matters).

#### 9.6 Design, Conservation and Sustainable Development (Landscape)

There is an under provision of amenity green space and natural/semi-natural green space, both of which can make an important contribution to positive physical and mental health, as well as bio-diversity. This under provision is exacerbated by the limitations placed upon the functional capacity of the proposed open space, presented by the need to accommodate water attenuation; passage under the railway; buffers either side of the railway lines; and fencing for safety reasons adjacent to train lines and water. Access to a further portion of open space is limited as it is fenced off within the grounds of the NRM.

A significant quantity of the proposed tree planting is incompatible with the drainage proposals, in particular within the 'stream garden' and alongside the 'swale'. Thus despite the high quality of the landscape design, the development would benefit from a greater provision of open green space that would be free of restrictions imposed by water attenuation, earthworks, active train lines, and fencing.

#### 9.7 Design, Conservation and Sustainable Development (Urban Design and Heritage)

Broadly supportive of the commercial areas of the masterplan, however concerns remain with regard to the residential elements.

Commercial areas:

The creation of a significant new commercial district with a focus on office provision (referred to as Station Quarter) at such proximity to the station with its inherent interconnectivity should have a significant positive impact to the future York economy. It comprises almost the sole allocation of office expansion in the local plan.

The overall effect is potentially a new urban type for the city which, similar to other new types of their time, have a degree of legitimacy if they become more prominent and viewable built forms.

This acceptability is not assured, but conditional upon the excellence of their design when built, because they do impact on the significance of heritage assets, particularly the setting of the station and city walls. Gauging the level of harm is difficult because the proposal is in outline and without a firm design, and so controls should be in place to ensure excellent design for buildings and

spaces is actually achieved.

Largely residential areas:

These are contained in two proposed quarters. The Foundry Quarter is broadly satisfactory but the impression of York Yard South is not positive. It would form a continuous line of development about one km long, typically five to six floors that have a significant impact on some important city views. However, because of the neighbouring high ground to the south and west of and shape of the site plan it is hard to envisage how the impact on these views could be significantly reduced unless the proposal here was radically reduced. Such a change would no doubt impact on viability.

Open space:

Discussion on the quantity of open space is elsewhere. Impacts relevant here are that there will be significant pressures on the proposed open space which is low compared to baseline standards for several use types. Therefore high quality provision and high quality management are essential, together with proposals to improve pedestrian and cycle connectivity beyond the site.

Design Controls:

The Design Guide is developed for the purpose of ensuring high design standards are achieved for built forms and open spaces that have relevance for their York location. The guide is a very good example of its type. However risks remain that the impetus to quickly deliver could weaken standards rather than risk delay.

The visuals of massing expressed in the indicative masterplan have been assessed for visual impact and not the wireframe maximum developable extents set out in the parameter plans. Achieving this overall bulk and no more is now ensured by imposing developable area constraints plot-by-plot in the Development Specification document.

It will be extremely important for the delivery of York Central to be highly coordinated throughout the lifetime of the construction programme. Potential fragmentation of the site without an obvious site wide responsibility partner could cause significant practical problems in realising the overall potential the site has for good design.

## 9.8 Highway Network Management

The application has sought to reserve means of access; however it is necessary for the local planning authority to be satisfied that a suitable and acceptable access can be achieved to serve the detailed development that will follow. As such the application includes information on the scoping of the access design and the traffic modelling, based upon the access design parameters.

The design code (in the submitted design guide) will be an important control document which will set a number of the technical parameters in terms of future highway design and layout.

The Transport Assessment indicates that the development would have a significant to severe impact on the local highway network particularly in the Water End area. Together with the Framework Travel Plan, which aims to reduce the number of car trips, funding for network upgrades to increase capacity at key junctions is proposed to be secured through a s106 agreement. Additional funding for mitigation measures to reduce the number of car trips to the development, such as Park & Ride enhancements, in line with the Framework Travel Plan, will be secured through a s106 agreement.

The employment area of York Central is considered to be accessible from throughout York by bus, both park and ride and “conventional” services. Therefore there is considered to be no need for service enhancements for the employment area of York Central.

The provision of bus services for the residential area falls below an acceptable standard without additional services being provided. An increased level of service is proposed in the Travel Plan – enhancements to the route 10 - with funds identified in the s106 agreement to ensure a high frequency service (i.e. better than 15 minute frequency) connecting to the city centre and other destinations. Further discussions are needed with bus operators to ensure that the most appropriate service changes are made to achieve a high frequency service to the residential area.

Modelling indicates the potential for significant inbound queuing on the new spine road as a result of the development and the proposed shuttle working of Leeman Road Tunnel. To reduce delays on bus services using the new spine road it is proposed to include an obligation on the developer to provide, subject to additional delays being recorded relative to the current position, a bus gate and bus lane of up to 500m in length on the approach to the Museum Square area.

Modelling also predicts significant journey time increases on Water End and the approaches to junctions at either end (A19 & A59). Provision of funding for mitigation measures to reduce the impact on public transport services, such as potential bus priorities on Water End and at the A59 junction and general capacity improvements at other junctions in the area, is included in the s106 agreement.

To ensure the development capitalises on the site’s fundamentally sustainable location the on-site cycle and pedestrian network must be fully integrated with the existing offsite provision. The s106 agreement includes obligations to

enable upgrades of the adjacent network to deliver continuity where physically achievable.

It is essential to ensure that a high quality means of access for walking and cycling is provided by York Central from Holgate Road. This will enable access and permeability such that the development is firmly aligned to the council's transport and land use policy. The absence of such access would make the development unsustainable.

On the basis of the impact analysis, Highways officers are content to conclude that the section of Leeman Road can be closed to motor vehicles. This is on the basis that prior to closure an alternative adopted public highway has been provided between Water End and Leeman Road tunnel in both directions. With respect to pedestrians, the closure is acceptable on the clear proviso that, during the hours of opening of the NRM, passage for the public on foot will be freely and directly available in perpetuity; which can be secured via legal means.

The closure of Leeman Road would result in longer journey times for people travelling on foot or by bike from either Leeman Road/Salisbury Terrace or St Peters Quarter. The extra journey could exceed 5 minutes for people travelling on foot and 2 minutes for people travelling by bike. These longer journey times represent a worst case, i.e. outside of the NRM opening hours and taking the longest route around the museum. The riverside route would be the shortest and quickest of the routes available.

All new routes will be designed to ensure that they provide attractive, safe and high quality routes for pedestrians and cyclists, being largely free of motorised traffic.

The application presents a desire to reduce car parking, given the adjacency to the railway station, public transport and city centre location overall. Conditions are proposed to secure suitable levels of parking and ensure that ratios prescribed within the outline planning application are not exceeded. The opportunity to establish the foundations for a highly sustainable redevelopment, which fully subscribes to limiting private car use, whilst encouraging and maximising journeys by public transport, walking and cycling is of critical importance.

A key component of the overall transport strategy is that on street parking will not be designed or permitted.

It is essential that suitable and robust mechanisms are secured through the outline planning application to ensure that any displaced parking demand does not become established in areas surrounding the site.

A range of conditions are required in order to ensure that necessary mitigation works can be secured and to also establish the technical parameters for future reserved matters applications.

### 9.9 Public Protection

Air Quality – The development presents a great opportunity for minimal car parking or for low emission development that incentivises ultra low emission vehicles. Public Protection would like to see some of the site developed as a car-free environment and the principles of low emission development. The risk of receptors on the site being exposed to concentrations of NO<sub>2</sub> greater than the health based objections as a result of operational traffic is low.

The introduction of additional traffic arising from the development will reduce the rate of expected air quality improvement at some locations around the city. However, if vehicle emissions improve in line with national predictions, by the expected 2033 development completion date there should have been an overall improvement in emissions from vehicles on York's roads such that the additional movements arising from York Central should be able to be absorbed in all locations without any exceeding air quality standards. The five year total air damage costs for the site have been calculated at £3,242,076. A condition should be attached requiring the applicant to submit an emission mitigation statement to demonstrate how these emission costs would be mitigated. Planning conditions should be attached regarding air quality mitigation, noise and vibration mitigation, ground investigation works, contaminated land remediation works, unexpected land contamination, cooking odours, external lighting and submission of a construction environmental management plan.

### 9.10 Flood Risk Management

There appear to be differences between the alignments of Holgate Beck Culvert and Yorkshire Water combined sewers on the existing drainage plans and the CCTV Drainage Survey. These are a considerable constraint to the masterplan and therefore conditions are required for further investigation. In the main we agree to the existing drained areas shown with the exception of catchment E – sidings assumed to be drained by Holgate Beck Culvert as this has not been proven.

We welcome the proposed separate foul, surface water and highway water drainage systems as the ground investigation shows that infiltration methods of surface water disposal are not suitable at this location. However it is not clear as to where the highway water drainage from the proposed access road is to be drained to. This should have its own attenuation features if connection to the site-wide attenuation is not possible.

Although indicative attenuation volumes have been tabled the calculations have not been provided. These should be provided via condition. Detailed

designs of the drainage systems to include flow control devices and attenuation features will need to be sought at reserve matters or conditions stage.

It appears that extensive tree planting is proposed within the attenuation swales/basins which will impede maintenance of these features and therefore not be permitted. These areas should have a clear 7m maintenance margin from the top of the bank.

We are in agreement with the suggested foul and surface water conditions suggested by Yorkshire Water in respect of their infrastructure and the conditions suggested by the Environment Agency in respect of flood risk and their infrastructure.

There needs to be a clear understanding of the future ownership, access and maintenance arrangements of the proposed drainage systems, including the below ground and above ground attenuation features and their associated cost. These should be agreed prior to the determination or through a s.106 agreement.

It is important that flood storage compensation works are carried out prior to construction of the new access road and that the drainage infrastructure and attenuation features are constructed in advance of any development platforms.

#### 9.11 Education

No objections. Based on the current indicative designs the anticipated pupil yields are 145 (Primary) 56 (Secondary) and 148 (Preschool). This would equate to contributions of £2,001,093 (Primary), £966,061 (Secondary) and £1,027,553 (Preschool) being required and these would be secured via Section 106 Agreement.

#### 9.12 Early Years and Childcare Service

As this is quite a substantial development we would be looking to request a section 106 contribution to support the provision of additional early years places. It is not possible to specify the exact amount until we know the proportion of houses which are likely to be family homes of 2 beds or more.

#### 9.13 Public Health Integrated Wellbeing

No objections but note that appropriate leisure provision cannot be provided on site. Initial calculations would require a contribution of £829,209 and this could be allocated to the following sites (in no particular priority order):

- York RI, Queen Street for development of Queen Street;
- York RI, New Lane for development of artificial grass pitch;
- York Hospital Bootham Park pitches;
- York City Rowing Club for development of existing boat house.

#### 9.14 Economic Development

The planning application is welcomed as the site has been identified as York's most significant development opportunity. The quantum of employment space that would be provided represents a unique opportunity to shape future development of our economy. It is important that commercial space is not sacrificed for residential uses. Consideration should be given to the use of section 106 agreements to provide opportunities for local people to access employment and education experiences on the site.

#### 9.15 EXTERNAL

#### 9.16 Holgate Planning Panel

Object on planning policy grounds, air quality, accessibility for Leeman Road residents and a lack of public transport infrastructure being put in place to reduce car usage.

#### 9.17 Highways England

A condition should be attached to any grant of planning permission to secure (sic) the impact of the development and limit trips at the Strategic Road Network to levels which will not cause a severe impact.

#### 9.18 Network Rail

No observations to make.

#### 9.19 Historic England

We remain concerned about the following areas:

- The archaeological potential of the scheme has not been fully assessed or evaluated, therefore the full impact of the scheme and its archaeological interest cannot be established.
- The design of the proposals fails to respond positively to the qualities and characteristics that make York special.
- It is still unclear who will own and manage the Design Guide or who will update it as developments are brought forward.
- The potential for a bottleneck at the Leeman Road Bridge and the potential impact that additional traffic movements will have.

#### 9.20 Conservation Areas Advisory Panel

No objections and welcome the retention of the former stables. However query whether the Fire House adjacent to Cinder Lane could be carefully dismantled for re-use perhaps at somewhere like North Yorkshire Moors Railway.

The CAAP would wish to see a detailed recording of those buildings and structures which are to be removed and some form of innovative interpretive display provided to show the history of the buildings. The majority of visuals did not appear to show the buildings being retained.

There are concerns about: the closure of Leeman Road; the suitability of alternative pedestrian and cycle routes along the riverbank; the concept and parameters set for the overall design of the site; and how the development could be policed as the site is developed in what is likely to be a piecemeal fashion.

Concerns exist regarding the 6/7 storey elements and the proposed massing in certain areas. It is also felt that that the volume of information submitted was totally unrealistic for detailed study.

#### 9.21 York Archaeological Forum

In our view CYC does not have sufficient information to judge the archaeological impact of the development or an appropriate mitigation strategy.

#### 9.22 York Civic Trust

In principle the regeneration of York Central is welcomed, however the Trust objects to this outline application due to:

- An uninspiring use of the site with no clear overall vision to make it unique, sustainable, or as a substantial asset for all citizens of York.
- Substantial overdevelopment of the proposed York Yard South and Station Quarter sections, given the height limits proposed.
- A lack of school provision.
- A lack of provision given to sustainable travel for occupants of York Central and the resulting impact on wider congestion and pollution in the city.
- The reliance on car access and parking despite structural limitation on highway routes into and out of the site.
- No sense that the outline application is about helping York thrive.
- Without an innovative approach, the stopping up of Leeman Road could have a negative impact on the transport options for existing residents.
- Detrimental impact on the city's skyline.
- The lack of social facilities will conspire against place making and the development of the community feel.
- No meaningful over-arching aesthetic goals nor commitment to a comprehensive scheme of co-ordination.
- The applicant's methodology for assessing impacts on critical junctions is highly suspect. Their revised analysis reveals gross differences from their original submission in their modelling of current conditions.
- The applicants are still failing to accept responsibility for additional congestion caused at critical junctions.
- The application should be rejected or deferred until realistic assessments of transport impacts are provided.
- There should be a bus gate at Salisbury Terrace to retain access for residents but remove through traffic.



- There is no guarantee the NRM diversion route would be well-designed and safe in the early stages of development.
- It is essential that the applicant assesses further the costs and feasibility of a direct route under the Museum
- The intended use of courtesy crossings on the spine road is a concern. The anticipated flows of the road are well over double the maximum safe flow for a courtesy crossing; putting pedestrians at an unacceptable risk.

The use of courtesy crossings on the spine road is a concern. The anticipated traffic flows are well over double the maximum safe flow for a courtesy crossing; putting pedestrians at an unacceptable risk.

### 9.23 Environment Agency

Initial objections have now been removed subject to conditions relating to; surface water drainage, compensatory flood storage, no development over or within an 8m easement either side of Holgate Beck culvert, the provision of a remediation strategy to deal with land contamination, verification of the completion of those remediation works and that no piling is to be carried out other than with the written consent of the Local Planning Authority. Without these conditions the development would pose an unacceptable risk to which the Environment Agency would object.

### 9.24 Yorkshire Water

No objections but requests that in the event of planning permission being granted conditions be attached which would protect the local aquatic environment and Yorkshire Water Infrastructure.

### 9.25 Ainsty Internal Drainage Board

The board supports the advice from the council's flood risk management team, which is that the application is acceptable subject to various planning conditions and provision of more detail of the scheme.

### 9.26 Canal and Rivers Trust

No objections. General advice given which should be taken into consideration when assessing the proposals.

### 9.27 Natural England

The application does not pose any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of the consultation.

### 9.28 Yorkshire Wildlife Trust

The Trust is happy with the level of survey effort and confident that the biodiversity of the site has been accurately assessed. There could be an

opportunity to provide green or living roofs on some buildings. The use of native species in planting schemes will support many more species of invertebrates. Ensuring that the use of the site by private cars is minimised will improve biodiversity by reducing air pollution, noise and congestion and increasing the amount of space available for green infrastructure rather than car parks. The Trust does have some reservations, such as not prioritising the reduction in car use, and would like to see some changes to the proposals and are of the opinion that there has been a lack of inclusion of the many brilliant ideas which have been suggested during the consultation process.

#### 9.29 Sport England

Object to the proposals on the grounds the proposal will generate demand for sporting provision and the exact details of this is not addressed in this current planning application. Whilst Sport England would accept the contribution of £829,209 into sport; Sport England's interim position is that they will maintain their objection until a legal agreement has been signed which secures the money. Sport England will withdraw its objection once a legal agreement is completed.

#### 9.30 North Yorkshire Police (Designing Out Crime)

The Design guide champions the principles of crime prevention through environmental design, which is to be commended.

#### 9.31 Make it York, York BID and York Retail Forum

Support the application. York Central will help address issues around the loss of office space which has placed a significant constraint on the availability of high quality office space in the city centre. The inclusion of retail and leisure space is welcome in support of the community that will be created. However it is imperative that these facilities do not detract from or compete with the amenity and services currently on offer in the city centre.

#### 9.32 Visit York

York Central and the resulting expansion and development of the National Railway Museum offer the city a once in a lifetime opportunity to re-imagine the heritage and tourism offer in the city.

## 10.0 PUBLIC CONSULTATION

10.1 The application has twice been widely publicised by letter, site notice and local press notice. The first round of consultation was in August 2018 when the application was submitted. The second round was in January 2019 after submission by the applicant of amended details and further information. Comments have been received from a range of interested parties including neighbouring residents and businesses within the general proximity of the application site, local action, interest and political groups and interested members of the public. At the time of writing the comments received can be broken down and summarised as below.

10.2 A total of 67 letters of objection (or part objection) have been received; 48 were received to the first round of consultation and 19 to the second consultation. A total of 18 letters of support (or part support) have been received, all of which were received during the first consultation.

10.3 The objections received can be summarised as follows:

- Unsustainable traffic generation and highway safety on neighbouring roads.
- Leeman Road should be open 24hrs a day for cars, pedestrians and cyclists. The stopping up of Leeman Road is unacceptable.
- Closure of Leeman Road will impact upon our ability to trade freely from our existing premises; and will also have impact upon the existing Royal Mail Delivery Office.
- Clarity on traffic flows and amelioration plans for roads around the site, including Holgate Road, Blossom Street and Bootham is required.
- The application documents consistently ignore the role of Leeman Road, as a significant arterial road giving access to the city centre.
- Proposals fail pedestrians and cyclists and prioritise cars.
- Details of the cycle routes are worryingly vague
- Proposals miss a huge opportunity to build a world class low traffic development.
- The traffic modelling undertaken does not appear to be a realistic or robust representation of the likely transport impacts York Central will have.
- Proposals fail to accord with the NPPF requirement to prioritise pedestrian and cycle movements first.
- The planning application as presented is extremely crude, based on no consultation with bus operators and is presented in such a way that it is very difficult to assess the impact of the development on York's traffic network.
- The proposals are very car based. The pedestrian and cycle routes into town will be less direct, this will dissuade use of these modes.
- The proposals fail to demonstrate that it satisfies paragraph 109 of the NPPF.

- The TA does not include figures for additional York Central traffic travelling through the city centre. In the absence of this information CYC may be permitting development which does not comply with the objective of reducing city centre traffic volumes.
- The three hour arrival profiles now presented appear more credible but there is still a mismatch between the 4000 or so employees implied to be on site at final year from the trip generation and the up to 8000 figure seen elsewhere in press releases.
- The TA looks solely at the impact of York Central and there appears to be little consideration of the wider development in the area.
- We are pleased more accurate junction modelling has been presented we are concerned at the adverse impacts shown on some key links in York.
- There is a disconnect between mode share targets and the provision of measures to ensure bus services are reliable.
- The methodology for assessing impacts on critical junctions is highly suspect. The revised analysis reveals gross differences from the original.
- The process should be put on hold until an independent report on traffic impact is published.
- The proposals should be sustainable, carbon neutral and provide an enhancement to the amenity of the areas for all residents.
- The proposals will result in further low quality, energy inefficient homes with owners being car dependant. This should be a zero car development.
- The Council has responsibilities for the quality of air in York and should consider this in the planning application.
- There is weak commitment to sustainability and environmental matters. The willingness to make provision for a probable 2000 extra cars on the site reflects this.
- Air pollution levels in many adjoining areas of the site are already exceeding EU safe limits.
- Cities must live, change and develop but this proposed development seems simply too big by several orders of magnitude and does not appear sufficiently thought through.
- York does not need high density housing.
- Proposals on affordable housing are totally inadequate and reflect the worst type of developer style manipulation of the concept of affordability.
- There is the danger that dwellings built on York Central will become, like many other developments in York, second homes or investment properties which are of zero benefit to people in York; exacerbating York's current housing crisis.
- Given the public sector control of this application it is vital to maximise the provision of social housing.
- The buildings in the St Peters Quarter seem absurdly high.
- The scheme will have an adverse impact on local people and fails to deliver long term value for the city.

- The granting of outline planning permission for York Central on the basis of the information submitted sets an extremely poor precedent for other developments in York.
- There is little evidence that the necessary infrastructure such as schools, medical services, leisure facilities and public transport will be provided to support the additional population.
- The governance structure for this development doesn't fairly represent the affected parties.
- There are concerns that this scheme is being considered in isolation from the proposals for the station.
- The revisions fail to adequately take on board evidence from a wide variety of consultees.
- The worrying aspect of the current proposals is the haste with which the whole process is being conducted, with little time being given to address the very many serious and well considered objections.
- The proposals do not fully realise the true potential of the site.
- The economic strategy is not sufficiently developed. There is insufficient evidence of demand for grade A office space.
- New hotel beds should not be considered to have any place in the development.
- Radical assessment is needed for the NRM case for a ground floor gallery and alternative designs which would keep NRM as a major visitor attraction but also provide better routes into the new development.
- The way both the NRM expansion and the road through Millennium Green have been dealt with by the partnership has made me lose faith in the project.
- NRM have not listened to the views of residents.
- The proposals risk placing unreasonable restrictions upon existing businesses and provide no certainty of business continuity.
- The scale of the development risks fundamentally harming the centuries old character of York city centre.
- The high rise nature of the development risks changing the historic skyline of York.
- The future of heritage assets such as Alliance House and the Carriage works canteen is ambiguous.
- It would be good to see existing communities which stand on the periphery of the site also stand to benefit from such a development.
- Can the Council fund the management and maintenance of the infrastructure and public spaces in the longer term.
- There are lots to be excited about concerning York Central however there are some real concerns of the impact the scheme will have on access, housing and businesses.

10.4 The letters of support received can be summarised as follows:

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- Redevelopment of this highly strategic brownfield site is supported
- On the whole the York Central development is exciting and could bring a lot of opportunities to the city.
- Leeman Road gets very congested and the pollution makes it an unpleasant journey for pedestrians or cyclists; paths and cycle routes through the museum and its land will help address this
- The provision of additional housing will help meet the undoubted shortage of residential accommodation in York City centre
- The National Railway Museum is a British institution and plays a key educational role in the lives of many. Its development is integral to this.
- This is a unique opportunity to create a very special space which needs to benefit the people of York
- The proposals will reinvigorate the NRM estate.
- The proposals will provide a boost to York's tourist and cultural economy.
- With careful management this could become a huge step forward in increasing professional/skilled employment
- Diversion of Leeman Road will make the north parts of Holgate Ward and St Peters quarter much more desirable
- We support the decision to develop vehicular access into York Central via a new western access road and we are encouraged that York Central Partnership are working with the Millennium Green Trust to mitigate the impact of the new road bridge.
- The proposals will benefit the area providing green spaces, housing and places to meet and socialise.

## 11.0 PLANNING POLICY CONTEXT

### 11.1 National Planning Policy

11.2 National planning policy is set out in National Planning Policy Framework (NPPF). The current version was published on 19 February 2019. Its planning policies are material to the determination of planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. It states at paragraph 11 that, for determining planning applications, it means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework when taken as a whole'.**

11.3 A footnote to Paragraph 11(d) states that for applications involving the provision of housing relevant policies of the development plan are out of date if the local planning authority is either unable to demonstrate a five-year land supply of deliverable housing sites. York does not have a five-year land supply of deliverable housing sites, therefore paragraph 11(d) applies.

### 11.4 Development Plan

11.5 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York mainly comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These policies are YH9(C) and Y1 (C1 and C2) and the key diagram insofar as it illustrates the general extent of the Green Belt. The development plan also includes the Upper and Nether Poppleton Neighbourhood Plan which was adopted in October 2017 and the Rufforth with Knapton Neighbourhood Plan which was adopted in December 2018. In accordance with The Neighbourhood Plan (General) Regulations 2012 these neighbourhood plans will be used when determining future planning applications within their identified neighbourhood areas.

11.6 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was

approved for development management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, 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 as revised in March 2012, although the weight that can be afforded to them is very limited.

- 11.7 The Publication Draft City of York Local Plan 2018 (the emerging plan) was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF, emerging plan policies can be afforded weight according to:
- a. *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
  - b. *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - c. *the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.*

(Note that under paragraph 214 of the 2019 NPPF transitional arrangements apply for plans submitted for examination before 24 January 2019, such as York's. In these cases the emerging plan, should be assessed against the 2012 version of the NPPF).

- 11.8 The evidence base underpinning the emerging plan is also capable of being a material consideration in the determination of planning applications.

11.9 The stage of preparation of the emerging plan

The emerging plan was submitted to the Planning Inspectorate on 25 May 2018. It is a material consideration in the determination of planning applications.

11.10 The extent to which there are unresolved objections to relevant policies

- 11.11 The plan was subject to publication consultation between February and April 2018. Comments made in response to policies in the plan were collated and presented as part of (CD0013A) City of York Local Plan Consultation Statement (Reg 22), which forms part of the local plan examination library. In developing the emerging plan the council prepared and submitted a Soundness Self Assessment Checklist (CD023) taking into account the requirements of the NPPF. The tests of soundness are set out in paragraph 182 of the 2012 National Planning Policy Framework. It states that "The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is 'sound'. The key test is that the plan (and policies contained



within it) is consistent with national policy: enabling the delivery of sustainable development.

11.12 The policies in the emerging plan have been written to be in conformity with the 2012 National Planning Policy Framework, including the policies of relevance to the York Central planning application. The emerging plan was submitted to the Planning Inspectorate on 25 May 2018 and is a material consideration in the determination of the York Central planning application. The policies of relevance to this application are listed below. The council considers that, given the advanced stage of the emerging plan's preparation, the lack of significant objection and the plan's consistency with the Framework, the policy requirements of the following emerging plan policies can be given moderate weight in the consideration of the application.

DP1 – York Sub Area

DP2 – Sustainable Development

DP3 – Sustainable Communities

DP4 – Approach to Development Management

R1 – Retail Hierarchy and Sequential Approach

R3 – York City Centre Retail

R4 – Out of Centre Retail

SS3 – York City Centre

EC1 – Provision of Employment Land

EC2 – Loss of Employment Land

H2 – Density of Residential Development

H3 – Balancing the Housing Market

H4 – Promoting Self and Custom House Building

H9 – Older Persons Specialist Housing

H10 – Affordable Housing

HW2 – New Community Facilities

HW3 – Built Sports Facilities

HW4 – Childcare Provision

HW5 – Healthcare Services

HW7 – Healthy Places

ED6 – Preschool, Primary and Secondary Education

D1 – Placemaking

D2 – Landscape and Setting

D3 – Cultural Provision

D4 – Conservation Areas

D5 – Listed Buildings

D6 – Archaeology

D7 – The Significance of Non-designated Heritage Assets

GI1 – Green Infrastructure

GI2 – Biodiversity and Access to Nature

GI3 – Green Infrastructure Network

GI4 – Tress and Hedgerows

GI6 - New Open Space Provision  
CC1 – Renewable and Low Carbon Energy  
CC2 – Sustainable Design and Construction  
CC3 – District Heating and Combined Heat and Power  
ENV1 – Air Quality  
ENV2 – Managing Environmental Quality  
ENV3 – Land Contamination  
ENV4 – Flood Risk  
ENV5 – Sustainable Drainage  
T1 – Sustainable Access  
T2 – Strategic Public Transport Improvements  
T3 – York Railway Station  
T4 – Strategic Highway Network Capacity Improvements  
T5 – Strategic Cycle and Pedestrian Network  
T6 – Development at or Near Public Facilities  
T7 – Minimising and Accommodating Generated Trips  
T8 – Demand Management  
DM1 – Infrastructure and Developer Contributions  
C1 – Communications Infrastructure

11.13 Moderate weight can also be applied to policy H1 ‘Housing Allocation’ insofar as considering the criteria of approving an allocated site in advance of the plan, the associated monetary contributions required and assessment of open space required.

11.14 The following policies are also relevant to the planning application. They have outstanding objections but are consistent with national policy and can therefore be given limited weight (the objections will be resolved through the Local Plan Examination process).

SS1 – Delivering Sustainable Growth for York

SS4 - York Central

H1 - Housing Allocation in relation to allocation ST5 (York Central)

H5 - Gypsies and Travellers.

#### 11.15 Evidence Base

11.16 Evidence base produced to support the local plan can be afforded weight in determining this application. The evidence base documents relevant to this application are:

##### *General*

- CD023 - Soundness Self Assessment Checklist (2018)

##### *Housing*

- EX/CYC/9 – Housing Need Assessment Update (2019)
- SD050 - Strategic Housing Market Assessment Update (2017)

- SD051 – Strategic Housing Market Assessment (2016)
- SD049 - Strategic Housing Land Availability Assessment (SHLAA) and Annexes (2017)
- SD059 - City of York Gypsy and Traveller Accommodation Assessment Update (September 2017)

*Employment, Retail and leisure*

- SD063 – City of York Employment Land Review Update (2017)
- SD065 – City of York Retail Study Update (2014) and Appendices (SD066)
- SD070 – York Economic Strategy 2016-2020 (2016)

*Green Infrastructure and Openspace*

- SD080 – City of York Biodiversity Action Plan (2017)
- SD083 - Active York Playing Pitch Strategy (2014)
- SD085 - Local Plan Evidence Base Study: Open Space and Green Infrastructure (Update (2017)
- SD086 - Local Plan Evidence Base Study: Open Space and Green Infrastructure (2014)
- SD090 - City of York Commuted Sum Payments for Open Space in New Development – A Guide for Developers (Updated June 2014)
- Draft Built Sports Strategy (2018)
- SD097 - York's Joint Health and Wellbeing Strategy (2017-22)

*Heritage, Design and Environment protection*

- SD091 - Strategic Flood Risk Assessment, Revision 2 (2013)
- SD093 – City of York Low Emissions Strategy (2012)
- SD095 - City of York Council Surface Water Management Plan (December 2012)
- SD103 – City of York Heritage Topic Paper (2013)
- SD122 – Carbon Trust's report on Climate Change in the Local Plan (2017)

*Transport and Infrastructure*

- CD018 - Local Plan Viability Assessment Update (2018)
- SD076 - Transport Topic Paper (2018)
- SD128 - Infrastructure Delivery Plan (May 2018)

Note: References are as per the Core Document Library submitted to the Planning Inspectorate for the examination of the Local Plan.

11.17 New population and household projections were released by the Office of National Statistics (ONS) in 2018. In accordance with National Planning Practice Guidance (NPPG) applied under transitional arrangements,

consultants GL Hearn updated the council's Objectively Assessment of Housing Needs (OAN) taking into consideration this new data. The report concludes that the updated OAN in York is 790 dwellings per annum, which would be sufficient to respond to market signals, including affordability adjustments as well as making a significant contribution to affordable housing needs. Only by providing this level of housing growth would the population be sufficient to meet the economic growth potential whilst ensuring that there will be improvements to household representative rates among younger persons.

- 11.18 The updated OAN of 790 confirms to the council that the robustness of submitted plans housing supply, based on the OAN of 867 dwellings per annum, is strengthened further by the reduction in the OAN. Officers consider that the submitted plan's proposed housing supply can be robustly demonstrated to meet the revised OAN of 790 dwellings per annum both for the plan period (to 2033) and post-plan period (to 2038). The proposed housing supply in the submitted plan will provide the required flexibility in order to be able to demonstrate to the examination inspector that the plan can respond to unforeseen circumstances over the duration of the plan period.
- 11.19 The council issued the updated OAN evidence to PINS on 29 January 2019 and published it on the York Local Plan examination webpage [document ref: EX/CYC/9].

## **12.0 MAIN ISSUES**

12.1 The Appraisal section of the report assesses the key planning issues, which are:

- Strategic Benefits and Regeneration
- Employment and Economic Growth
- Housing Provision
- Highways and Sustainable Transport
- Urban Design and Heritage
- Archaeology
- Landscape
- Bio-diversity
- Impact on York City Centre
- Culture and Community Facilities
- Open Space, Sports and Leisure
- Flood Risk and Drainage
- Environmental Protection
- Sustainability
- Education
- Development Delivery and Phasing
- The Planning Balance

### **13.0 STRATEGIC BENEFITS AND REGENERATION**

- 13.1 Paragraph 38 of the NPPF states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. Paragraph 117 encourages the effective use of land including reuse of brownfield land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Policy 118(c) requires planning authorities to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 13.2 Policy DP1 'York Sub Area' of the draft local plan aims to ensure that York performs its wider role in the region by being a key economic driver, strengthening its role as a shopping and leisure destination and meeting its housing needs. Policy DP2 'Sustainable Development' defines York's specific aims in meeting the sustainable development agenda as set out in NPPF. These aims include creating a prosperous city, providing good quality homes, conserving and enhancing the environment ensuring good transport links. Policy SS4 is specific to York Central and encourages a high quality new urban quarter as an extension to the city centre.
- 13.3 York Central is the city's largest and most intractable brownfield sites and one of the largest brownfield sites in the UK. Its development would play a major role in achieving the objectives of the NPPF and the emerging local plan. In particular it would create a new commercial and residential quarter for York and a substantial number of new homes in a highly sustainable location. It would extend the city centre which is highly constrained by its historic core and significantly improve the gallery space and layout of the National Railway Museum. The development would transform the site from under-used, largely-inaccessible industrial and railway land to the new piece of the city sought by policy SS4.
- 13.4 Conclusion
- 13.5 The application complies with national and local planning policy by the redevelopment a strategic, under-used brownfield site in a highly sustainable location. The redevelopment will create significant opportunities both in terms of meeting housing need and creating a new commercial quarter for the city.

## **14.0 EMPLOYMENT AND ECONOMIC GROWTH**

- 14.1 NPPF Paragraph 80 states that planning policies and decisions should help create the decisions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.
- 14.2 York has a constrained economic core, with the ancient walled city providing few opportunities for significant development. Provision of the employment space, housing and connectivity proposed in the application would play a crucial role in enabling the city to meet its planning objectives in Policy SS1 'Delivering Sustainable Growth for York'. The policy is underpinned by the objectives of the York Economic Strategy (2016) and economic forecasting in the Employment Land Review (ELR, 2017). The ELR has translated the economic forecasts into land supply requirements, which underpin policy EC1 'Employment Allocations' of the local plan. As part of this work York Central has been identified as a suitable and preferable site for business development.
- 14.3 Policy SS4 'York Central' of the draft local plan therefore includes offices (use class B1a) as one of the permitted uses on the site. This aligns with policy EC1 'Provision of Employment Land', which allocates 100,000sqm of B1a floorspace to the York Central allocation site (ST5) representing the largest employment allocation within the plan. The allocation of employment use recognises the unique opportunity the site gives to providing a critical mass of modern and fit for purpose, grade A office space. Its well-connected location next to the train station and in close proximity to York's city centre means it is likely to be attractive to the market, given the shortage of similar accommodation in the city. The intention through policy SS4 and EC1 is to provide a new central business district, highly connected, sustainably located and fit for modern business requirements.
- 14.4 In particular, the quantum of high quality, well-connected, office space proposed in the application has the potential to provide for high-value jobs in sectors such as financial services, rail engineering, digital technology and professional services, all of which there is a shortage in central York. In addition to the commercial space that York Central would provide, the housing, public open space and connectivity proposals for the site would all support growth in the economy. York Central is being planned to be an attractive place to live, and provide new opportunities for York's existing and new residents. This provision will support the site's existing enterprise zone status and is recognised by the plan to be a primary function of the site's development.
- 14.5 York Central was designated as an enterprise zone in April 2017. Enterprise zones are a key part of the government strategy for enabling growth.

Enterprise zone status offers discounts on business rates which offer substantial benefits to businesses choosing to locate within them. In turn, the business rates can be retained by the Local Enterprise Partnership for 25 years to reinvest in local economic growth. Commercial occupiers entering the site before April 2022 may be eligible for a discount period of 5 years.

- 14.6 The site offers an unparalleled opportunity to attract commercial investment to the city. York has the highest levels of skills training in the North, and is routinely in the top 10 locations for people to locate. These characteristics have attracted businesses such as Aviva and Hiscox to the city and grown a strong financial and business services sector. In addition, the city boasts specialisms in high tech engineering and rail, creative and digital media and education. The site occupies a prime central location and is expected to deliver major growth to meet existing and future demand.
- 14.7 The maximum floorspace scenario (87,693sqm of B1a/B1b uses) would comply with policy EC1 insofar as it supports the development of employment uses as a primary focus for the site. However, the application seeks flexibility linked with housing supply and thereby provides a maximum and minimum employment floorspace which could be achieved with the required provision of additional floorspace outside of the application area but within the ST5 York Central allocation boundary. The minimum floorspace scenario for the site is 70,000sqm of B1a/B1b. To provide more certainty and in order to maximise the office space on site to fulfil York's economic ambitions and alignment with policy EC1, a mechanism should be secured through condition to monitor the floorspace provided to ensure that B1a is prioritised throughout the development, which could be reviewed to ensure that development of the site is compliant with policy EC1.
- 14.8 The applicant estimates that 87,693 sqm of B1a/B1b could generate 6,746 full time jobs. In addition, the retail and hotel uses could generate additional employment opportunities taking the figure of new jobs resulting from the development to well in excess of 7,000. In addition, the development could also provide 1,640 full time equivalent jobs in the construction industry during the life of the development period. The expansion of the National Railway Museum will further enhance one of the city's key world class assets, making a significant contribution to this growth and enhancing the tourism offer of York further. The expansion will create additional job opportunities in the cultural sector.
- 14.9 The council is working to develop skills in York in order to support the growth of businesses and create a prosperous city for all. To this end the council is working with the Construction Industry Training Board to secure locally targeted employment, training and education. These aims accord with the council's sustainable development principles in policy DP2 'Sustainable



Development'. York Central would provide a wide range of short to medium term construction jobs including apprenticeships, as well as experiences for those still in education. In order to maximise these opportunities for local people planning permission for York Central should include a condition to secure locally-targeted education and training. This has been agreed in principle by the applicant and will be secured via an appropriate condition.

- 14.9 The redevelopment of this site will mean that existing businesses operating within the development zones identified will have to relocate. Policy EC2 'Loss of Employment Land' seeks to resist loss of employment space. However, in this instance, the comprehensive redevelopment of the site is supported for the wider economic and social benefits that will arise as a result of its comprehensive (re)development, including the creation of a new CBD.

#### 14.10 Conclusion

- 14.11 York Central is in a prime location next to the railway station and has excellent links to all the major conurbations in the country. Its suitability for grade A office accommodation is expected to attract inward investment into York and to provide a substantial number of jobs. Having regard to the wider York Central allocation in the emerging plan the proposal is in compliance with national planning policy in the NPPF and policy SS4 of the emerging local plan.
- 14.12 A condition is attached requiring the applicant to submit an employment, skills and training statement to ensure the development maximises local employment and training opportunities for residents of York. A further condition has been attached to ensure that between 70,000sqm and 87,693sqm of B1a and B1b floorspace will be provided as part of the development.

## 15.0 HOUSING PROVISION

- 15.1 Draft local plan Policy H3 'Balancing the Housing Market' seeks to balance the delivery of different types of housing to meet the requirements as set out in the Strategic Housing Market Assessment (2016) evidence base to ensure that housing delivered reflects the needs across the city. This includes a range of housing types to meet the needs of individuals, families and older people. The policy is clear that the final mix of dwelling types and sizes needs to consider the SHMA and will be subject to negotiation with the applicant wherein adequate supporting evidence provided to support their proposals will be considered.
- 15.2 This application specifies that the maximum quantum of housing to be provided is up to 2,500 homes. Local Plan policy H1 'Housing Allocations' includes 1,700 homes on allocation ST5 over the lifetime of the plan. This figure was confirmed through the local plan process as deliverable within 15 years and has been translated into the Housing Trajectory (set out in Figure 5.1/Table 5.2 of the plan and in detail in Figure 6 of the Strategic Housing Land Availability Assessment)). Although a figure of 1,700 dwellings has been used in policy H1, the potential for more homes was also confirmed through the consortiums response to the Local Plan and therefore Policy SS4 'York Central' allows flexibility to accommodate 1700-2500 dwellings on the allocation. The application's maximum residential scenario is therefore in compliance with policy SS4 and H1. The Planning Statement Addendum (2019) also clarifies that a minimum of 198,901 GEA residential floorspace to a maximum of 244,822 GEA floorspace will be provided but does not equate this figure further to a split and mix of dwellings.

### 15.3 Housing Density

- 15.4 York Central is located within the city centre under policy H2 'Density of Residential Development' and SS3 'York City Centre' which introduces the city centre extension zone. For this site housing developments are expected to achieve 100dph. Policy H2 acknowledges that higher density will be supported where it is located adjacent to high frequency transport hubs and that strategic sites should use this as a general guide but may override it subject to specific masterplanning.
- 15.5 The submitted planning statement confirms that the average net density across the site will be 101 dph; in which case it would meet the policy requirements of 100 dph. Further, it states that the density will range across the site to make efficient use of the land and access; some areas will therefore be higher and some lower than the overall average density quoted. The site density is set to reflect the central location of the site with good access to transport. It is recognised that some areas are likely to be higher density than many parts of York. Given the site's location, it is considered that this approach optimises the potential of the site. Masterplanning currently

shows higher density adjacent to the railway station and lower density adjacent to the existing properties of Leeman Road and St Peters Quarter. Higher density development in the form of 3-7 storey blocks of apartments (as shown illustratively in the masterplan) is also included in a linear form on the southern boundary bounded by the railway line.

15.6 The applicant's approach to site density is in general compliance with Policy H2 although further clarification is sought regarding the distribution of densities across the site.

#### 15.7 Housing Mix and Type

15.8 Across the plan period the emerging local plan seeks to provide for an appropriate mix of house types and sizes in line with the SHMA which sets housing mix at a strategic level. The SHMA shows that the majority of the needs are for 2 and 3 bed family accommodation (70-80%).

15.9 The planning application seeks consent for up to 2500 dwellings but is silent on the mix of dwelling types. Instead the applicant intends that a range of unit types will be built to meet the needs of a wide range of future occupiers. The mix would include market housing, affordable housing, housing to meet the needs of elderly people, family homes and homes for first buyers.

15.10 The submitted Design and Access Statement sets out the residential building typologies on which the masterplan is based (2150 homes including 200 family homes). They include terraces, townhouses and flats. However, as with the planning statement, no quantum are given against each category.

15.11 The applicant's proposed housing mix will be considered at a later stage in the planning application process; a flexible approach needs to be taken in order to maximise the site's potential. The council welcomes the reference to different dwelling types as explained in the building typologies section of the DAS. Nevertheless, the council acknowledges that the character of the site and the financial necessity for a high density scheme will require the development to be comprised mainly of apartments, which are unlikely to be suitable for families. It is therefore unlikely that the development, despite its large size, would be able to provide a housing mix closely reflecting the city's housing needs. Nevertheless, the indicative mix advanced in the SHMA is for the city as a whole not for each site by site. It is anticipated that the York Central mix will be balanced with the provision of larger homes (3-5 beds) on other strategic housing sites outside the city centre.

15.12 Officers accept that the mix of dwelling types and sizes can be deferred until the outline planning application has been determined. However, the council will need to understand the proposed housing mix in order to assess the

extent to which the scheme would balance the housing market as set out in the SHMA and contribute towards meeting York's housing needs.

### 15.13 Affordable Housing

15.14 Emerging local plan Policy H10 'Affordable Housing' sets out the Council's intention to maximise affordability across the housing market.

15.15 York's Strategic Housing Market Assessment (2016) states that York's affordable housing need is 573 net additional households per year. This level of affordable housing need is heavily predicated on the assumptions relating to the level of income which is spent on housing costs and reflects the imbalance of earnings to house prices in the city. It is not intended that the Council should provide this level of affordable per year as the affordable housing need does not represent an assessment of what proportion of additional households might require affordable housing. Instead the model considers:

- What need can be expected to arise from both existing and newly-forming household who require financial support to access suitable housing;
- This is then compared with the projected supply of affordable housing expected to arise from the turnover of existing stock.

15.16 However, the affordable housing model includes supply-side factors; the net need figures are influenced by the current stock and turnover of affordable housing. Such households do not necessarily generate a net need for additional homes as, by moving, they would release a home for other households. On this basis, these elements of the affordable housing need are not directly relevant to considering overall housing need and housing targets, which are typically measured in terms of net dwellings.

15.17 The City of York Viability Study considers at what level affordable housing is viable for development in York. This has translated into emerging local plan policy H10 which requires development to deliver affordable housing proportionate to their size and types (Greenfield/ Brownfield). For brownfield sites of this scale, Policy H10 in the emerging local plan (2018) requires the provision of 20% affordable housing. For the York Central site this means approximately 500 affordable dwellings to be provided based upon the maximum residential scenario. The policy also requires that the tenure split in terms of social renting and intermediate housing reflects the SHMA requirements of 80% social rent and 20% low cost market homes. The policy also specifies that development is pepper-potted throughout to ensure that market and affordable dwellings are indistinguishable. The Strategic Housing Market Assessment also sets the requirements for each type and number of bedrooms most in need. For affordable housing, this is demonstrated to be 1, 2 and 3 bedroom properties. Further York's current Housing Need Waiting List demonstrates that 1 and 2 bed properties are consistently most required.

15.18 The application includes 20% affordable housing, which is in accordance with CYC policy. Following viability assessment and discussion with officers the applicants have agreed to change the tenure mix to 80% social rent 20% discount sale and/or shared ownership. This revised mix is in accordance with CYC policy. The affordable housing provision at York Central would therefore amount to 16% social or affordable rent and 4% discount sale or shared ownership. This level of affordable provision should apply to all phases of the development.

#### 15.19 Self Build and Custom Housing

15.20 Paragraph 131 of the NPPF places great weight on outstanding and innovative design, particularly those which promote high levels of sustainability and raise the standard of design more generally in an area, provided they fit in with the overall form and layout of their surroundings.

15.21 Emerging local plan policy H4 'Promoting Self and Custom House Building' supports the delivery of this type of housing in the plan area.

15.22 Policy H4 states that proposals for self and custom build housing will be supported where they are in conformity with planning policy. To be consistent with Policy H4, Strategic sites are required to supply at least 5% of the dwelling plots for sale to self builders or small/custom housebuilders subject to appropriate demand being identified. This equates to between 85-125 self build plots depending the final quantum of housing to be delivered. Evidence of demand is held through the Council's Self Build and Custom Housebuilding register. As at 1st March 2019, the register included 119 registrations interested in a city centre plot and 12 interested in an apartment. Given the type of development to be provided on York Central (apartment-led), it is considered that 'custom build' development under the self build agenda could be delivered successfully on site and should be promoted accordingly. A condition is attached to secure at least 5% of the dwellings of the development to be made available for sale as self build or custom build

#### 15.23 Provision for Gypsies and Travellers

15.24 NPPF Paragraph 61 makes it clear that the needs of different groups within the community need to be reflected in planning policies with specific reference being made to travellers amongst other groups.

15.25 Emerging local plan policy H5 'Gypsies and Travellers' City of York Local Plan states that in order to meet the future accommodation needs of gypsies and travellers strategic development sites will be required to provide a number of pitches on site, provide an alternative off site provision or provide a commuted sum payment to contribute to the development of pitches elsewhere.

- 15.26 In 2015 The Government amended its definition of gypsies and travellers in its updated Planning Policy for Travellers Sites (PPTS). The definition now excludes travellers who have ceased to travel permanently. The new definition has implications for how councils assess and address the need for traveller accommodation.
- 15.27 The NPPF and the PPTS require local authorities to identify a 5-year supply of specific deliverable gypsy and traveller and travelling showpeople sites against the locally assessed accommodation need of those groups who meet the revised definition. This need is proposed to be met by the council through the policy H5 'Gypsies and Travellers' part a) and policy H6 'Travelling Showpeople'
- 15.28 Councils are also required to carefully consider how to meet the accommodation needs of unknown travellers and should consider the use of criteria based policies for the unknown households who do not provide evidence of whether they meet the definition. Part C of policy H5 provides a criteria-based policy for consideration of any additional proposed gypsy and traveller sites that come forward in the plan period.
- 15.29 The Gypsy and Travellers Accommodation Assessment (GTAA) undertaken in 2017 identified a need for 3 pitches for travellers who meet the new definition and 44 pitches for those who no longer meet the definition but culturally identify themselves as part of the gypsy and traveller community.
- 15.30 Many Romany gypsies and Irish and Scottish travellers can demonstrate a right to culturally appropriate accommodation under the Equality Act 2010. In addition the Housing and Planning Act 2016 (section 124) repealed sections 225 and 226 of the Housing Act 2004, so that local housing authorities are no longer under a duty to carry out a separate assessment of the accommodation needs of gypsy and travellers residing in or resorting to their district. Rather the requirements of the Housing Act 1985 were updated so that in fulfilling their duty to carry out periodical reviews of housing needs in their districts, local housing authorities must consider the needs of all people residing in or resorting to their district with respect to the provision of sites on which caravans can be stationed.
- 15.31 The City of York Gypsy and Traveller Accommodation Assessment Update (GTAA) (September 2017) was produced to provide a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in York and is considered consistent with the NPPF and the PPTS (2015) as well as the Equalities Act 2010. Whilst it is no longer a requirement to include an assessment of need for those gypsies and traveller who do not meet the planning definition within the GTAA, the GTTA (2017), undertaken by consultants ORS, has specifically addressed the need for

accommodation that is culturally suitable for ethnic Gypsies and Travellers or the accommodation needs of settled Gypsies, Travellers and Travelling Showpeople (not meeting the planning definition) who live on sites. This work was undertaken as part of the GTAA to assist the Council in identifying and meeting the needs from these households and provides a specific subset of the wider housing need identified in the Strategic Housing Market Assessment (SHMA).

- 15.32 The applicants have agreed to make a contribution towards gypsy and traveller accommodation.
- 15.33 The council recognises that the impact of not providing traveller pitches and plots results in unauthorised encampments and developments and the associated enforcement action and appeals, or travellers resorting to living on the roadside. The council wants to take a responsible approach to address this. Identifying travellers accommodation needs (both for those households that meet the planning definition and those that do not) and identifying sites to help meet their accommodation needs is a sensible and sound way forward to be tested through the local plan examination.
- 15.34 The policy costs associated with policy H5 have been tested as part of our Local Plan Viability Assessment and strategic sites have been demonstrated to be viable and deliverable when assessed against the cumulative policy costs of the local plan. The Local Plan Viability Assessment Update (2018) states that, depending on specification, an average pitch may cost around £150,000 per pitch. This figure has been informed by consultation with providers who have tendered for this type of development and is consistent with the cost of providing six pitches in York at the Osbaldwick site. With inflation the cost would now be about £900k.
- 15.35 With all of the above in mind officers have reached agreement with the applicant that the applicant will pay a commuted sum for gypsy and traveller off-site accommodation at various trigger points as the development progresses, On this basis the applicant has agreed to the inclusion of the obligation in the s.106 agreement.
- 15.36 Provision of Older Persons Specialist Housing
- 15.37 NPPF Paragraph 61 identifies different groups within the community need to be considered and their requirements reflected in planning policies including older people and people with disabilities.
- 15.38 Emerging local plan policy H9 'Older Persons Specialist Housing' reflects the provision of care through City of York Council and its partners working together to enable the delivery of specialist housing including for the ageing population.

15.39 Related to housing mix is the provision of specialist housing provision. Policy H9 of the Local Plan requires Strategic Sites (over 5ha) to incorporate the appropriate provision of accommodation for older persons within their masterplanning. This is consistent with the NPPF which recognises the need to provide housing for older people as part of achieving a good mix of housing. A key driver of change in the housing market is expected to be growth in the older persons population. The Council is committed to meeting the specific housing demands of an aging population in recognition of the high proportion of older people in the city. The SHMA (2016) analysis identifies that over the 2012-2033 period there is an identified need for 84 specialist units of accommodation for older people (generally considered to be sheltered or extra-care housing) per annum. Such provision would normally be within C3 use class and part of the objective assessment of need. In addition, the SHMA highlights that there is a potential need for an additional 37 bed spaces per annum for older people (over 75) in the 2012-2033 period for nursing and residential care homes (C2 use). The SHMA also suggests that 170 units of specialist accommodation per 1000 people aged over 75 years.

15.40 Discussions with colleagues in the Older Persons Accommodation Team consider that there is a strong rationale for the delivery of older persons accommodation on the York Central site. Central to this rationale is the aging population in the city and consequently the anticipated number of older people that will be living on the York Central site in the future. In addition, the City's Health and Wellbeing Strategy highlights the city's aim to support people to live independently for longer and York has an existing high demand for independent living properties with social housing schemes. It is acknowledged that independent living and extra care schemes can be delivered consistently within a C3 use.

15.41 A condition is attached that requires prior to the occupation of the 1,000<sup>th</sup> residential dwelling, specialist housing to provide for the needs of older people, comprising at least 50 residential units for independent living and 70 residential units for extra care shall have been provided on the site.

#### 15.42 Conclusions

15.43 The application seeks consent for up to 2500 homes. This is in accordance with the policy H1 of the emerging draft local plan, which seeks a minimum of 1,700 homes on allocation ST5 over the lifetime of the plan. The application includes 20% affordable housing plus provision for custom/self build homes and housing for the elderly. A financial contribution has been agreed with the applicant for the provision of plots off-site for gypsies and travellers. The mix of homes is to be agreed. This would be achieved by a planning condition requiring a housing strategy to be submitted and approved prior to submission of the first of the reserved matters and all reserved matters



comprising residential dwellings to be in accordance with the approved housing strategy. Subject to the conditions and obligations above, the development is considered acceptable in terms of planning policy and will deliver much needed housing in the city.

## 16.0 HIGHWAYS AND SUSTAINABLE TRANSPORT

- 16.1 Section 9 of the NPPF seeks to promote sustainable transport. Paragraph 103 states that the planning system should 'actively manage patterns of growth and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.'
- 16.2 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 16.3 Emerging local plan Policy T1 'Sustainable Access' says that development is supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport.
- 16.4 Emerging local plan Policy T2 'Strategic Public Transport Improvements' supports the delivery of highway and public transport infrastructure improvements as set out in the Local Transport Plan 2011-2031 (LTP3) and states that measures to improve public transport reliability at York station and Leeman Road will be implemented in the short-term (2017-22).

### 16.5 Highway Network Impact

- 16.6 The council's strategic traffic model (SATURN) has been utilised to estimate how the additional vehicular traffic generated by York central will be distributed across the city's highways and indeed to the Strategic Road network (Trunk Roads) operated by Highways England.
- 16.6 The additional traffic (trips) associated with the 2500 residential units, 88,788M2 of office and other uses (Hotel) have been calculated at:

AM Peak Hour 0800-0900, 1076 total arrivals and departures

PM peak hour 1700-1800, 1216 total arrivals and departures

- 16.7 These figures are based upon the full scope of the application. However the applicant advises that this full volume of development can not be built on the site. As such the trip generation is a robust approach and based upon the full build out of the scheme.
- 16.8 Given the size/scale of the development this volume of additional traffic should be anticipated. The estimations are based upon trip generation for residential development which is significantly apartments, in a city centre

location, with many travel options. Nearby residential developments were surveyed and used as reference in establishing a reconcilable rate for YC. The same approach was taken for the B1 Office development, with a range of comparator developments. As such the figures quoted are considered to be representative and robust.

- 16.9 This total additional traffic is comparable to flows typically seen in the city such as Bishopthorpe Road, 1150 PM peak; Fulford Road (at Broadway) 1220 PM peak; Lendal Bridge 900 in the peaks.
- 16.10 The NRM itself generates only limited traffic in the commuter peak periods and this is not anticipated to change. The base Saturn model already includes any NRM traffic over these periods.
- 16.11 Whilst initial high level modelling tested 3 options at Leeman Road Tunnel (Marble Arch); existing scenario/shuttle – one way/restriction to general traffic (bus only), the option presented for further analysis is a scheme which provides traffic signal control; allowing all vehicular traffic, through shuttle working, one direction at a time. This scheme also includes for dedicated provision to be made for cycling and walking. Aside from the estimated implications for vehicular traffic, the improvement of facilities for travel on foot and by cycle is considered by officers to be aligned with the council's long established transportation policies. The objective of encouraging and capturing journeys by these modes is absolutely essential for York Central as the increase in walking and cycling journeys will be significant; cycle trips alone will be circa 1400 over the typical PM busiest period. The positives of providing improved infrastructure extend beyond purely transport, including wider environmental and health benefits, in addition to the known economic and social value of creating places which are people centric.
- 16.12 Detailed analysis of the additional vehicular traffic has focused upon 13 existing junctions and the new junction at Water End. These are:

New junction with Water End  
 A59 Holgate Road – Blossom Street  
 A59 Holgate Road – Dalton Terrace  
 A59 Holgate Road – Hamilton Drive  
 Bishopthorpe Road – Scarcroft Road  
 Queen Street – Micklegate  
 A19 Shipton Road – Clifton Green – Water End  
 A1036 Tadcaster Road – St Helens Road  
 Acomb Road - Holgate Road - The Fox  
 The Mount – Dalton Terrace  
 The Mount – Scarcroft Road  
 A59 Boroughbridge Road – Water End

Water End – Salisbury Road  
A19 Shipton Road – Rawcliffe Lane

- 16.13 The implications for the following junctions are considered to be at a level in which the changes would not be detrimental; the additional traffic not being expected to give rise to a material increase in delay, congestion or queue lengths. In some locations the impact will be difficult to discern, based upon full build out of York Central, at 2033. As such no further consideration or mitigation is deemed necessary:

A59 Holgate Road – Blossom Street  
A59 Holgate Road – Dalton Terrace  
A59 Holgate Road – Hamilton Drive  
Bishopthorpe Road – Scarcroft Road  
Queen Street – Micklegate  
Acomb Road - Holgate Road - The Fox  
The Mount – Dalton Terrace  
The Mount – Scarcroft Road

- 16.14 For the following junctions however, the additional traffic from YC is considered by officers to have a significant to severe degree of impact:

Water End – Boroughbridge Road  
Water End – Clifton Green  
Tadcaster Road – St. Helens Road  
Water End – New Junction

- 16.15 The Water End corridor between the A59 and A19 will see significant increases in traffic and over the peak hour periods (0800-0900 & 1700-1800 weekday). The change in conditions between the scenario of all other local plan growth being in place at 2033 except York Central and then with the development fully built out, will create a highway corridor which struggles to accommodate such localised traffic demands. In technical terms the link (at Water End) will be at or above its theoretical operational capacity meaning it will be saturated. The modelling references the outputs, including a doubling of journey times, extensive lengths of slow and static traffic, with average speeds falling below 10mph. These conditions will impact all traffic but have a major adverse impact on any buses operating along the corridor or, in particular, approaching via the A59. The 2033 modelling scenario indicates that traffic reassigns away from the A19, as a result of the saturated conditions on Water End. The resulting demand for traffic to turn left into the development during the AM peak, via the new access from Water End is extremely low, some of this demand utilising the current Salisbury Road route, which is presented in the application and model as unconstrained.

- 16.16 Officers consider that it is essential that this degree of impact must be

mitigated. Officers have engaged with the applicant to evaluate the potential options available with the aim to secure funding through the s106 agreement. The primary focus (in order to align with the city's well established transportation policy) being to seek to protect and insulate bus services from the direct impacts of the development. It is anticipated that possible mitigation including the provision of bus lanes, gating and technological mechanisms, will deliver significant benefit. There is the potential for the delivery of a range of concepts which are envisaged as being credible and which could in theory reduce the severe impact on bus journey performance and times. The potential measures include re-routing bus services, a length of bus lane on Water End and the A59 approach to the A59/Water End junction. Opportunities for infrastructure changes at the Tadcaster Road/St. Helen's Road junction are more limited owing to space constraints so the focus will be on demand reduction through the travel plan. It is considered that adequate funds have been allocated via the s.106 agreement to guarantee delivery of the potential measures.

16.17 The modelled performance of the new access junction with Water End indicates that at full build out (2033) the new junction would struggle to operate within its design parameters. The overarching approach to address this risk will be for future reserved matters applications to seek to suppress this level of demand through managing the volume of parking on site, particularly at employment sites and through the provisions of the travel plan.

16.18 The objective of the travel plan together with the mitigation measures proposed in the s.106 agreement is to reduce the projected number of car trips to the development by 30%. If this is achieved it is anticipated that the impact on the network will be within manageable levels.

#### 16.19 Access to York Central

16.20 At present the site is largely inaccessible to vehicular traffic and the options for providing an adequate access are limited and very constrained. The planning application has reserved all matters, including means of access. In order for the local planning authority to be able to determine whether a suitable access can be provided the applicant has been required to provide more information about the access than would normally be expected for a wholly-outline planning application.

#### 16.21 Water End

16.22 A new traffic signal controlled junction is proposed, the location of which is shown on the illustrative masterplan and larger-scale plans as the access road passes through the site. The carriageway along Water End would be widened to include appropriate width (approximately 3m) traffic lanes and a lane for right-turning traffic entering the development. The scheme would

include a new segregated bridge alongside Severus Bridge to facilitate the widening within the carriageway and, importantly, the re-provision of a path for pedestrians and cyclists. The new junction would incorporate signal-controlled crossings (to be integrated with the main signals) for pedestrians and cyclists to cross both on Water End and across the mouth of the new junction. It is intended to provide options for cyclists in making turns from the new road and from Water End. Cycle lane provision would be made off-carriageway, although the provision on-carriageway for a 1.2m-wide lane (eastbound) is intended. Undertaking the right turn into the development from Water End could be made at a dedicated crossing immediately to the east of the junction or via a prior crossing using a refuge island and using the new 2 way segregated cycle lane on the new section of bridge. This would be determined at the reserved matters stage.

16.23 New Access Road

16.24 The new access road serving the site would run along the western edge of Millennium Green.

16.25 A condition is attached which requires details of the primary access into the site from the west to be submitted. Details of a new junction, controlled crossings, traffic lane arrangements and cycle and pedestrian facilities are required as part of the information.

16.26 Park Street

16.27 The new western access will continue into the site as a new bridge over the East Coast Mainline (ECML). The highway parameters as outlined above are expected to continue throughout. South of the ECML bridge crossing the access will be known as Park Street. Full details of the road bridge would be included in the reserved matters application. At this point the character of the access would change to that of a 20mph street, which has a different balance of functions between movement and that of place creation. The character of the place would be addressed by the design guide, which would be a control document (conditioned) to which all reserved matters applications would have to adhere. This includes specific sections covering street and public space principles, parameters and design standards. The design guide will seek to ensure that the design for the western access corridor would have a strong focus on integration with the development zones that it would serve.

16.28 The broad parameters will continue to include a 3.5m segregated cycle path on the north (park) side, a wide landscaped verge comprising substantial tree species and a footway, before the green corridor, parkland. The opposite side will include generous footway width in the region of 3 metres. The street will have a 20mph limit and the design will need to achieve this. It is proposed that a number of wide and landscaped central medians will form

an essential component of the street design. A series of pedestrian-cycle crossing points will be provided, which will link the development on the south side and the parkland, matching desire lines. A number of bus stops will be provided along the street, which will comply with CYC standards and provide generous space for waiting. It is anticipated that public cycle parking will be included within the street/public space, together with seating. Some limited parallel parking bays may feature in the detailed design. On street parking/stopping/waiting will be largely prohibited throughout. Distribution of parking would form part an overall parking strategy, a condition is attached requiring submission of details with regard the management of site wide parking. Park Street would become Cinder Street as it runs through the commercial area. The parameters for the main highway will continue, however it is intended that a cycle and pedestrian-only route will be included (shown on the illustrative masterplan) named Hudson Boulevard. The widths of carriageway and footways, provision of medians, bus stops and crossing points is expected to continue throughout. The scope and parameters are again fixed through the design guide, which includes further description, cross sections and key/minimum dimensions.

#### 16.29 Museum Square

- 16.30 This would be a significant and very important area of public realm between the commercial zone and Leeman Road tunnel/Marble Arch. It would provide essential transport functions/interchange and be a new people-centric place. It would be the busiest in terms of street level activity in the whole development. Whilst vehicular traffic will be catered for the emphasis on this area will be to create an environment in which pedestrian and cycle movement is easy, safe and direct.
- 16.31 Controlled (signals) crossing should be provided to ensure that movement across the square is catered for. Residents, commuters and visitors on foot and cycle will be the dominant users of the area with the desire to connect to the rail station and NRM being obvious needs. As above, the design guide provides detailed prescription about the applications/schemes that will follow. The current detail within the outline planning application submission includes for the potential to incorporate bus protection/priority measures in the future (inbound bus lane/gating).
- 16.32 Space will be allocated within the overall highway corridor to facilitate this integration, without an impact on the overarching design principles and space for walking and cycling. No access points for vehicular activities will be permitted within the square area to land/plots on either side. Traffic orders will prohibit waiting, stopping, parking at all times. The only exception will be for buses, at the western end of the square. Two bus stops and associated facilities will be provided for each direction.

16.33 Leeman Road Tunnel – Marble Arch

16.34 A two way cycle path within the tunnel and continuing East towards War Memorial Gardens will be provided This will be created through the reallocation of carriageway and provision of a suitable design/buffer between that and the vehicle traffic lane, which will be signal controlled, allowing one direction at a time. The currently-shared Marble Arch will be dedicated to pedestrians. The creation of this improved infrastructure is considered essential.

16.35 The outline planning application includes for the improvement of the existing highway along Station Avenue from the east side of the tunnels and connecting to Station Road and Lendal Gyratory. Such changes shown indicatively will include a widening of the footway (south side/adjacent to Principal Hotel) to at least 2 metres (currently circa 1.6m). A cycle/pedestrian route on the north side will accommodate cyclists (both directions) and pedestrians. The increase in foot traffic is expected to be significant on the south side partly due to Marble Arch being dedicated to pedestrians. The space on the north side is considered sufficient to cater to likely usage in the immediate/short term (comparable with other cycle/pedestrian routes in the city).

16.36 Access to Railway Station

16.37 The outline planning application includes for a new western entrance to York railway station, as shown on the illustrative masterplan. In terms of the scope, it is expected this will provide for easy, direct and safe routes from the Museum Square area for pedestrian and cycle access. A new building is proposed which will include changes to the existing footbridge and the provision of an inclusive route. A condition is attached which requires details of an inclusive access into the railway station. A further key transport component will be a large cycle hub adjacent to the western access. A minimum number of 300 is specified and conditioned. The scope of the design for this area is set out in the design guide. The layout and design – which would be the subject of a reserved matters application – would need to incorporate lighting and CCTV for the public spaces.

16.38 Access and Infrastructure for Walking and Cycling

16.39 As referred to in prior comments on access and design, the application makes provision for a number of access options and routes for pedestrian and cyclists, these modes being at the top of the council's transport hierarchy.

16.40 The access from/to Water End will provide space and crossings for foot and cycle traffic. Design work is ongoing. The 3.5m two-way segregated cycle route between Water End and Lendal Gyratory is considered to represent quality infrastructure provision, which will enable direct and safe accessibility



for residents, workers, visitors. It would enable cyclists to travel through York Central and avoid the Holgate Road and Blossom Street corridor - and possibly the A19/Bootham corridor. It will provide convenient access to the linear parkland and through connecting non-vehicular routes to the northern part of the site and Leeman Road.

- 16.41 The two-way route will be called Hudson Boulevard and will be a path shared with pedestrians. It will run to the rear of the commercial zone reconnecting with the main street (Cinder Street) at Museum Square, where it will continue on the north side and through the Leeman Road tunnel. During the busiest periods the number of cyclist journeys in and around the development directly generated will be in excess of 1300 and that's not including through trips.
- 16.42 Footways will be provided along both sides of the entire access corridor, being 3m metres minimum in most places. Additional space is expected in the busiest locations, such as at bus stops and the interchange area connecting the west of the station, where footfall will be at its highest. A series of uncontrolled and crossings points will be provided to enable safe movement, coordinated with desire lines.
- 16.43 Wilton Rise/Chancery Rise Access
- 16.44 The outline planning application includes provision for a pedestrian/cycle link between York Central and Holgate Road. Two options are shown but only one would be provided. Officers consider that a high quality link along this general alignment is essential for access and permeability in order for the development to be firmly aligned with the council's transport and land use policies. The absence of such an access would make the development unsustainable. The span is circa 40m. Both options include stepped and ramped access and would meet disabled access specifications. A condition is attached which requires details to be submitted and approved in writing.
- 16.45 Leeman Road – Kingsland Terrace
- 16.46 The application includes for a new link between the new western access (Park Street) to the existing highway network on the northern side of the site. The new section of connecting link will include off-carriageway pedestrian and cycle lanes for travel in both directions.
- 16.47 There will be far fewer vehicles using Leeman Road east of the underpass when the new through route is constructed and Leeman Road is closed at the NRM. The type and speed of traffic along this section of Leeman Road will change as it becomes primarily a residential street, with measures to reallocate space and make walking and cycling comfortable and safe. The NRM will retain an access however the volume and type of traffic should not have a detrimental impact upon the street as a whole.

16.48 Internal Access

16.49 The masterplan and design code show a series of cycle and pedestrian only connections throughout the development both within the dense development zones and through the public space including the parkland. These will be included with future reserved matters applications.

16.50 Cycle Parking

16.51 The number of cycle spaces or ratios for the different land uses will be in line with CYC guidelines in the 2016 Cycle Guide, i.e:

- Residential (apartment and house) - 1-2 spaces per unit depending on size/bedrooms.
- Offices - 1 space per 60m<sup>2</sup> gross floor area.

16.52 The intention when considering reserved matters applications would be to use these ratios as a reference and establish an appropriate level of cycle parking dependant upon the type, scale and location of the actual development. The above ratios are maximums however; the actual volume could be less. This approach has been taken with many developments in York to seek to provide a level of cycle parking which aligns with our transport, hierarchy and policy whilst being measured against things like modal targets and journey to work, education and leisure data. All facilities for residential, office and hotel would be long stay, secure and covered.

16.53 The cycle hub at the western station entrance will also incorporate public cycle parking. At this time the volume of parking is guided by the Railway Station Plan 2050, which recommends active provision is made to cover projected demand to 2033 and that passive provision is allowed for future demands to 2050. On the western side of the station the number of active cycle parking spaces is 185 with a further 244 to 2050. As part of the outline planning application, as the development build out is projected to 2033, it is conditioned that a cycle hub with minimum provision of 300 cycle spaces is provided as part of the development.

16.54 Closure of Leeman Road

16.55 The closure of Leeman Road and the construction of the extension to the NRM will require: (a) cyclists to travel around the NRM at all times of the day/night and (b) for pedestrians to travel around the NRM outside the museum's opening hours, currently 10am to 5pm. A comprehensive analysis of the changes that pedestrians and cyclists will experience has been undertaken. In summary, the changes in journey times likely to be experienced are:

From Leeman Road Island (reference of plan):

- Maximum additional journey time of 2 minutes 19 seconds pedestrians;
- Maximum additional journey time of 55 seconds cyclists.

From Leeman Road Island to Station Rise via Marble Arch/Leeman Tunnel

- Maximum additional journey time of 5 minutes 11 seconds pedestrians;
- Maximum additional journey time of 2 minutes 5 seconds cyclists

16.56 These represent the worse case, outside of the NRM opening hours and taking the longest new route, around the museum. The riverside route is the shortest and quickest available alternative. Full details are included within the transport assessment.

For St. Peters Quarter community the impacts are:

**To the railway station (west):**

- By 2021, maximum additional time 1 minute 56 seconds for pedestrians
- By 2021, maximum additional time 46 seconds for cyclists
- By 2025, reduced journey time of 56 seconds for pedestrians (and subject to the creation of a private access to SPQ a reduced journey time of 53 seconds.
- For cyclists a reduced journey time of 21 seconds.

**To Station Rise via Marble Arch/Leeman Tunnel:**

- By 2021, maximum additional journey time of 5 minutes 11 seconds for pedestrians
- By 2021, maximum additional journey time of 2 minutes 5 seconds for cyclists
- By 2025, additional journey time of 48 seconds for pedestrians walking through the new NRM.
- An alternative, subject to the creation of a private access to St. Peters Quarter will result in additional journey time of 2 minutes for pedestrians and 48 seconds for cyclists.

16.57 In summary, the worst case additional journey times for people travelling on foot from the either the Leeman Road/Salisbury Terrace or the St Peters Quarter communities could exceed 5 minutes. And for journeys by bike an additional 2 minutes.

16.58 However the development will deliver new routes that by 2025 would reduce the additional time for Leeman Road to half a minute on foot and less still by bike. For St. Peters Quarter an actual reduced time for walking and cycles journeys of 56 and 21 seconds respectively.

16.59 It is important to note that the new routes will be designed to ensure they provide attractive, safe and high quality routes for pedestrians and cyclists, being largely free of motorised traffic. It is expected that the detailed design will focus upon ensuring they encourage use, with excellent natural

surveillance, lighting, in addition to full CCTV coverage, as well as being an integral part of the adjacent new development, both at the NRM and new residential blocks.

- 16.60 The phasing and implementation of the closure of Leeman Road in conjunction with the new routes need careful consideration. The dates of 2021 and 2025 are taken as best projections at this time.
- 16.61 As part of the Phase 1 infrastructure works (which will also be presented subsequently as a reserved matters application) it is expected that an initial physical restriction (and traffic order) will be implemented to prohibit motor vehicle access along Leeman Road. This would be concurrent with the completion and opening (to all traffic) of the new access/road created from Water End, with a completed road and associated footways/cycle ways connecting to Leeman Tunnel/Marble Arch and along Station Avenue.
- 16.62 At such a time pedestrians would still be able to use Leeman Road as it passes between the current NRM buildings either side and gain access to/from Marble Arch/Leeman Tunnel (or the train station).
- 16.63 The legal process for the closure (stopping up) of Leeman Road (within the NRM boundary) as a public highway will need to be addressed through the appropriate legislative process, of which there are two options, either s.247 of the Planning Act or s.116-118 of the Highways Act. This is an entirely separate process to the determination of the outline planning application now before Members, which includes the principle of the existing public access not being in place in the future.
- 16.64 On the basis of the impact analysis, officers are content to recommend that the section of Leeman Road that currently passes through the NRM can be considered surplus to requirements, insofar as it relates to (its utility for) the passage of motor vehicles (which includes pedal cycles within the meaning of the road traffic acts). This recommendation is made on the basis that prior to such changes coming into being, alternative adopted public highways have been provided (to the satisfaction of the local planning authority) such that motor vehicles including pedal cycles are able to travel between Water End (Leeman Road north/Salisbury Road) and Leeman Road Tunnel (Marble Arch) in both directions.
- 16.65 With respect to pedestrians, the acceptance (in principle) of the closure and requirement for a subsequent stopping up order, is made on the clear proviso that, during the hours of opening of the NRM, passage for the public on foot will be freely and directly available in perpetuity, through the NRM (buildings/land) from Leeman Road on its north side to Marble Arch; this will be secured via condition.

16.66 The legal means to secure continuous and permanent access on foot would be secured through the provisions of a Walkway Agreement (Section 35 Highways Act 1980), which the land owner (NRM) would be required to enter into with CYC. This again would have to be in place prior to the stopping up order being confirmed. Such an agreement could include conditions specified by the council, which may relate to time periods for public access.

#### 16.67 Servicing Strategy

16.68 The Transport Assessment (TA) provides limited details of a proposed servicing strategy, which commits to provide access for service vehicles throughout the development site. It is intended that a more detailed site-wide servicing strategy will be secured by means of an appropriate planning condition, which will be agreed in advance of appropriate reserved matters applications. The applicant commits to ensure that scheme design will ensure appropriate access for service vehicles, whilst acknowledging an aspiration to deliver an innovative approach, which includes proposals to ultimately restrict larger service vehicles and consider more sustainable options such as cargo bikes or small electric vehicles (with consolidation centres identified outside of the city centre). The applicant proposes that the layout of buildings within individual development zones, which will be developed as Reserved Matters applications. Within the residential areas, it is proposed that streets will be designed to accommodate large refuse vehicles, with turning heads provided at appropriate locations to facilitate the allow turning of service vehicles (the appropriateness of which has been demonstrated through the submission of swept path analysis within the TA). It is noted that the applicant proposes that the Boulevard to the south of the National Railway Museum is also intended to provide a principal service route.

16.69 The streetscape will primarily focus on the movement of pedestrians and cyclists; it is the intention of the applicant that service vehicles will be permitted access during fixed periods for the purpose of deliveries and/or for the purpose of refuse collection. Additionally, the proposed new western entrance to the Railways Station will also provide a storage area (with the service access located to east side of the MSCP) to provide for deliveries associated with ancillary retail outlets located within the footprint of the public transport terminal.

#### 16.70 Design Code

16.71 The indicative masterplan developed in support of the Outline Planning Application, is supported by a design code which is detailed within the submitted Design Guide. It is intended to establish a robust framework for the development proposal, which encourages quality of design to be

reflected within Reserved Matters applications. The design code is intended to provide guidance to developers, architects and designers whilst developing the scheme in future.

16.72 The code is intended to be considered part of the application process and adhered to in order to assist informing the overall quality and character of the development proposal. The guidelines specifically relate to:

- Key aspects of the site and context.
- Townscape considerations.
- Character areas.
- Streets and Public Spaces.
- Building typologies.
- Principles of place making.

16.73 The Design Code includes specific sections covering street and public space principles, parameters and design standards. It is intended that Reserved Matters applications will be required to align with this document in order to ensure that the design of internal areas of circulation and the new Western Access Corridor all have a strong focus on integration with the various development zones that they serve.

16.74 With specific regard to streets and public spaces; the Design Code prescribes details relating to balance of functions for movement and place creation in relation to internal site design, in addition to providing details of parameters and characteristics associated with:

- Street types.
- Cross sections and minimum dimensions for the design of infrastructure.
- Footway provision.
- Cycleway provision.
- Pedestrian and cycle desire lines.
- Controlled and uncontrolled pedestrian/cycle crossings.
- Cycle hubs.
- Bus stops/interchange areas.

16.75 The design principles of new streets and those associated with Leeman Road to the western side of the NRM (post-development) are also included within the Design Code, which sets out characteristic changes intended to have a positive impact upon the movement and place functions. It prescribes that Leeman Road will benefit from a reduced level of traffic dominance, following implementation of pedestrian/cycle access proposals associated with redevelopment of the NRM site as part of the proposal.

16.76 The Design Code will form an important control document, which reserved matters applications will be required to follow when presenting detailed highway design and layout proposals. Its use and approval for this purpose is secured via a planning condition.

#### 16.77 Proposed Car Parking

16.78 NRM – the intention is for visitors parking to be provided within a new multi storey car park (MSCP). It is indicated that 200 spaces will be provided (a reduction of 134 over current capacity). It is also proposed to retain 70

spaces in the NRM north yard, an operational space, used for occasional large low loader access. It is unclear as to the requirement to retain this number of spaces on the north side. A concern of officers being that this undermines the ability to achieve a sustainable travel plan for the NRM over the longer term (assuming the 70 spaces are for staff). A further 14 parking spaces to be allocated for disabled badge holders are required at the NRM. These spaces will need to be accessed as existing from Leeman Road on the north side and not via the new main access road/public square. The detail of such matters will be assessed at Reserved Matters stage.

- 16.79 Railway Station – the parking provision is proposed to be retained at existing levels, 482 spaces, to be located within a new MSCP, adjacent to the new western station entrance. Based upon the data on current utilisation this is considered on balance to represent a reasonable requirement. The future transport, access and parking requirements potentially associated with HS2 and Northern Powerhouse schemes are not factored or proposed as part of the this application.. 20 short stay spaces are to be provided within the MSCP for rail associated visitors.
- 16.80 The phasing and delivery of the MSCP is expected to be delivered as an early development phase. Temporary and interim parking proposals for the Station and NRM need to be presented through a subsequent Reserved Matters application. At any time, the total car parking must not be in excess of the ratios prescribed through the outline planning application, meaning that any current/temporary car parking would have to be removed concurrent with the opening of new parking.
- 16.81 Network Rail – parking associated with the Network Rail campus will be re provided within the Station MSCP (97 spaces). A further allocation of 37 spaces for the rail operating companies will also be made.
- 16.82 Commercial Zone parking – the provision of work place parking, substantially for the office development has a direct influence on travel choice and traffic generation. The application proposes to provide a reduced level of parking and has sought to benchmark with existing York and north of England office developments. These ranging from zero provision to 1 space per 327 square metres of gross floor area. For example Hiscox has zero parking, Hudson House 1: 327. In such situations of limited parking on site, it is likely that the availability of other off site city centre parking does mean that journey to work by car still takes place but it does not impact on the development plots themselves.
- 16.83 The overarching strategy for actively managing travel choice and the implications arising from the construction, build out and occupation of York Central are proposed to be achieved through a Framework Travel Plan (see



section on FTP).

- 16.84 Putting the level of influence which the FTP may be able to achieve, aside for now, it is recognised that some workers may continue to choose the private car for commuting as close to YC as possible. If such demand was realised then the primary default option could be an alternative car park within walking distance. Current data indicates that across CYC operated city centre car parks alone, the level of utilisation is well below the stock capacity, perhaps as an average with over 50% of spaces available. There are additionally over 3000 spaces in privately operated car parks.
- 16.85 In summary, it is considered that the worst case scenario of YC generated car parking demand, exceeding provision provided on the site itself, that it could be accommodated within parking stock, within the city centre.
- 16.86 Residential car parking – the provision of car parking for the residential development within YC will have an influence on trip generation, however it is important to recognise that in making such provision for residents (and visitors) to park, does not automatically result in the car being the default travel choice, particularly when it comes to travel to work and peak hour journeys. Bench marking has been presented in the TA of a range of developments both York and other mostly north of England schemes, showing the range of parking provided. The examples of Hudson House and Hungate (both 0.45 space/unit) are considered to represent a wholly realistic ratio for a development in the city centre, with a very good range of sustainable travel options. The Chocolate Works (Bishopthorpe Road) whilst included is not considered an appropriate comparator, it being branded as a prestige scheme, which sought parking levels well in excess of most recent developments approved in the city. In addition, more traditional forms of housing have been benchmarked including Derwenthorpe with a ratio of 1 space per unit.
- 16.87 In summary the average parking ratio of a maximum of 0.45 spaces per apartment and maximum 1 space per house is proposed. Actual provision for individual development zones/applications, will relate to the type of housing and mix, with a variety of parking ratios envisaged. For example smaller apartments close to the rear of the station could have zero parking; with higher ratios for those towards the north/west of the site.
- 16.88 Other land uses – it is not proposed to provide dedicated parking for retail uses. A limited number of spaces for badge holders and essential operational purposes will be permitted but not within the central/commercial zone of YC. See Parking Strategy. Hotel car parking will be set at a low level, again reflecting the location and travel options. Some allocation of space within the MSCP is proposed, with a suitable parking management

strategy to be put in place.

- 16.89 In order to achieve the desired travel patterns and proactively manage parking demand across the whole site and over its full build out and occupation, it is a key component of the overall transport strategy, that on street parking will not be designed for or permitted (through traffic orders). The layout and design of the streets (to be submitted as reserved matters applications) will have to fully conform to this approach. Within the primary/secondary street networks, some very limited (and regulated) parking bay/space will be considered for essential operational activities such as drop off/short stay/delivery. Number of spaces will be tightly controlled and considered with reserved matters applications.
- 16.90 A condition is attached to secure the provision of a site wide parking management strategy. This will include a need for the outline planning application to adequately underwrite the provision of Traffic Orders across the whole site for its full build out and occupation. A series of clauses within the S.106 agreement can secure the necessary obligations including funding.

16.91 Parking Management

16.92 Multi storey car parks (MSCP) – the outline planning application has not presented a detailed parking strategy.

16.93 A condition is attached which requires prior to the first use of any MSCP a car parking management strategy shall be submitted and approved.

16.94 On street parking

16.95 With the sole exception of some limited parking bays along Park Street and the secondary streets such as Leeman Road north of the NRM, on street parking will be prohibited at all times. For all streets, lanes and access ways (which will be designed and built to adoption standards) it is intended that parking within the adopted parts will be significantly prohibited. It will be necessary for the whole of YC to be encompassed within a new controlled zone, which will set the parameters and legal basis to regulate this strategy within all adoptable areas of the site. A condition is attached which requires the approval of a side wide parking management strategy within 6 months of the commencement of development.

16.96 Park Street (and potentially part of the reinvented Leeman Road (north side) will be permitted to include limited parking bay spaces (maximum of 4 at any point). These being in locations where it is essential for operational purposes, such as delivery/service to an A1-A3 land use at ground floor level. Such parking bays will be submitted as part of reserved matters applications, considered on merit and controlled by parking orders (time

limited). In the event that such land uses do not feature in reserved matters applications along Park Street or Leeman Road (north), the bays will not be necessary. On the basis that parking is largely prohibited within all adoptable areas, it will be essential for the maximum parking dedicated to apartments and houses, to be provided within the development plots themselves. This could be in basements, undercroft, private courtyards or garages. Within secondary and tertiary street hierarchy and subject to assessment against the Design Code (Streets and Public Spaces). This would be within the overall maximum ratios and require regulation through traffic orders.

16.97 Protection from parking external to the site boundary

16.98 Officers consider it's essential that suitable and robust mechanisms are secured through the outline planning application to ensure that any commuter or visitor displaced parking demand does not become established in areas surrounding the site. This should include the following areas:

- The Leeman Road residential area between the river, Water End and up to Phoenix Boulevard
- The Windmill area between Poppleton Road, Grantham Drive and Windmill Rise
- The New Lane area between Acomb Road, New Lane, Hamilton Drive and Beech Avenue
- The Holly Bank Area between the railway, Hamilton Drive and Harlow Road
- St Paul's Mews off Watson Street.

16.99 The suggestion from the application (Transport Assessment) being that if such issues were to arise that the council would consider and address is not an accepted proposition. As such impacts are generated by the development itself then it is necessary and reasonable for mitigation to be secured through the outline planning application. This will then enable the council to pursue whatever action is subsequently required. The long standing approach is for such mitigation/measures to be secured as part of the s.106 obligation.

16.100 Framework Travel Plan

16.101 The outline planning application is supported by a Framework Travel Plan (FTP) which provides an initial site-wide structure for a proposed 15 year sustainable travel strategy to be implemented at the development site. The FTP contains a limited level of detail; however, the applicant has confirmed that it will be further developed at the reserved matters stage as the scheme progresses.

16.102 Despite the limited level of detail, the FTP does firmly establish a quantifiable measure of success in relation to TP objectives; namely a principal target which seeks to achieve a minimum 30% reduction in

development generated car trips (and a 10% mode split reduction in single occupancy car journeys compared against an agreed baseline position) using the new Western Access Corridor during the AM and PM peak (when compared against the agreed trip rates within the TA).

- 16.103 Additionally, the FTP also commits to restrict two-way traffic flows on the Western Access Corridor and through the Leeman Road Tunnel to those forecast within the TA presented traffic modelling, which equate to:
- 1,047 (AM) and 1,046 (PM) on the Western Access Corridor
  - 900 (AM) and 845 (PM) through the Leeman Road Tunnel
- 16.104 It must be noted, however, that these figures have been generated on the basis of the traffic generating potential of the total quantum of TA development (which the applicant has advised is not possible to deliver) and without the benefit of the aspirational 30% reduction in development generated car trips using the new Western Access Corridor during the AM and PM peak (when compared against the agreed trip rates within the TA). The individual TPs will be developed within the agreed context of the site-wide FTP and will be agreed as a requirement of a planning condition as part of each RM application submitted to the LPA. It is proposed that the Applicant will be responsible for the coordination of the content of the site-wide FTP, overseeing its progression with future development partners, who will be responsible for developing individual TPs. A condition is attached which requires Travel Plans to be submitted within each future reserved matters application. The LPA would prefer to adopt the role of FTP Co-ordinator and an appropriate sum should be secured through the s106 agreement to employ resources to fulfil the role, in addition to an appropriate level of capital to fund development of sustainable travel packs. The applicant will be responsible for the delivery of the necessary surveys associated with monitoring to inform annual TP monitoring reports.
- 16.105 Funding for the measures proposed in the FTP should be secured through a s106 agreement – for example:
- Improvements to offsite pedestrian and cycling routes to maximise connectivity between the routes provided by the development and the city's wider network.
  - Enhanced bus service provision to increase frequency to serve the residential areas.
  - Provision of Welcome Travel Packs for residential units including vouchers for bus passes or cycle purchase.
  - Provision of a car club
- 16.106 Funding for additional measures if the Travel Plan targets are not being met together with a cap on parking should also be secured to maximise

the take up of sustainable modes and to reduce the number of car trips associated with the development.

16.107 The Applicant has confirmed their commitment to develop the TP as the scheme progresses; intending to work collaboratively with future development partners to provide appropriate funding to update the strategy and monitor it (with updates and/or the implementation of additional measures if required). It is essential that appropriate measures and funding are secured through the s106 agreement.

#### 16.108 Rail Access

16.109 The developer has identified the critical importance of access to the rail network to the success of the development and proposes to provide a new western access to the station. The TA has used a rail split of 6% for employment trips. The Framework Travel Plan identifies a target of 9% for rail trips to the main commercial area. For this target to be achieved the improved western access to the station proposed in the outline planning application must be delivered at an early stage. It is essential that the access is compliant enabling travellers using wheelchairs and people with push chairs step free access to the station/development. The alternative inclusive pedestrian route to the front of the station involves a diversion of 700m via Leeman Rd. In addition access between the development and the bus interchange on the eastern side of the station relies on the provision of an accessible crossing of the station.

#### 16.110 Bus Services and Infrastructure

16.111 The transport analysis has looked in a comprehensive way at the potential level of bus service accessibility available for the substantial residential community and employment base envisaged to be realised over the next 14 years within YC. This has considered current services and routing including Park and Ride services. The provision of a new access and public highway from Water End to Leeman Road tunnel will present additional options for bus operators.

16.112 The site Framework Travel Plan (FTP) takes the current 34% mode share to car drivers for commute trips into central York wards and looks to reduce this to 24% for York Central. This implies a reduction of around one-third in the number of car trips to York Central compared to other central York employment destinations and this difference is then split between the various sustainable transport modes including bus services. The bus mode share for York Central is assumed in the FTP to be 18% compared to 14% for existing central York wards. It is noted that the number of trips involved is not enormous in absolute terms – and, in total, approximately 540 bus trips would be attracted to York Central employment each day in the three hour AM arrivals period (07:00-10:00), with 254 arriving in the AM peak hour

between 08:00 and 09:00. Even if it is assumed that all of the inbound bus trips generate a return bus trip, and that all of the trips are new to the York bus network (not simply displaced as offices move from other locations in York to York Central), then the increase would only be equivalent to about 2% of the total number of bus trips in York in the 2017/18 year (16.2 million trips, as assessed from bus operator returns). To put it another way, with 120 bus arrivals at York Station in a typical AM peak hour, each bus would be expected to carry 2 York Central employment area passengers. Of this demand, the applicant presents modelling output which suggests approximately 45% of the demand will come from outside of York's outer ring roads (A64 and A1237) (and could hence be inferred to travel on park and ride buses), and 55% is from inside the outer ring road and is more likely to access York Central on a non park and ride bus.

16.113 The employment area of York Central is considered to be accessible from throughout York by bus, both park and ride and "conventional" services. There is therefore considered to be no need for service enhancements for the employment area of York Central.

16.114 The provision of bus services for the residential area falls below an acceptable standard without additional services being provided. An increased level of service is proposed in the Travel Plan – enhancements to the Route 10 - with funds identified in the s106 agreement to ensure that a high frequency service (i.e. better than 15 minute frequency) connecting to the city centre and other destinations. Further discussions are needed with bus operators to ensure the most appropriate service changes are made to achieve a high frequency service to the residential area.

#### 16.115 Bus Infrastructure on New Access Road

16.116 Based upon the predicted potential level of peak hour traffic using the new access road, in the range of 1000-1200 in the AM/PM peak hours on the approach to the Leeman tunnel, it has been established that the allocation of additional space for highway purposes needs to be secured by the outline planning application. This being specifically to accommodate future bus priority measures, likely to be in the form of a bus lane and or bus gate. The length over which additional space is required would be 500m.

16.117 The section 106 secures a public transport infrastructure contribution given the need to ensure that bus priority measures are delivered.

16.118 A series of bus stops are proposed within the new primary access roads. They will comprise a pair of stops on the new connecting road to Leeman Road, 2 pairs of stops on Park Street near to Foundry Yard South (JO1/2) and a further pair just to the north of the commercial quarter. Within the core of the development adjacent to the square and western access a double

length bus stop is proposed on both sides of the street (Cinder Street).

16.119 Park and Ride

16.120 Of York's six park and ride services, all but one (Grimston Bar which only serves the eastern side of York city centre) have a stop within an approximate 10 minute walk of York Central. Service 2 (Rawcliffe Bar) currently travels through and stops within the "red-line" area, and the TA proposes that service 59 could also divert from its current route to travel through York Central. Applying the 45%/55% split, it is assessed that approximately 243 of the 540 bus trips a day would travel to York Central using the park and ride network. It is likely that these would be spread approximately equally between the six sites, which would equate to approximately 40-60 additional origin trips per site. Discussion within the councils Public Transport Team suggests that this increase in demand could be accommodated without having to provide additional parking capacity at any of the sites. However further enhancement of the service would be beneficial if the core measures within the Framework Travel Plan were not achieving the desired trip targets. Funding for this enhancement is secured through s.106 agreement in the event of the travel plan not achieving its targets.

16.121 S106 Agreement - Transport

16.122 It is proposed that an agreement under Section 106 of the Town and Country Planning Act (1990) is entered into between the Applicant and City of York Council (as the Local Planning and Highway Authority) to provide funding for transport related mitigation schemes which are directly related to the forecast development impact upon the local network.

16.123 It is considered that a total of approximately £5m is required to fund initiatives that are fair, reasonable and necessary to make the proposal acceptable in planning terms. The measures identified in the Framework Travel Plan shall be progressed by the developer with the following core infrastructure improvements and sustainable transport initiatives progressed through the s106 agreement:

- 1) Pedestrian/Cycling Infrastructure
- 2) Public Transport Infrastructure (offsite bus priorities)
- 3) Bus Service enhancements (provision of additional frequent services)
- 4) Network capacity enhancements including localised junction layout changes and the linking of groups of junctions to operate more effectively
- 5) Employment of a site-wide Framework Travel Plan Co-ordinator
- 6) Provision of City Car Club Facilities
- 7) Preparation and Development of Sustainable Travel Packs
- 8) Monitoring of On-street Parking and Introduction of Residential Controlled Parking Zones.

16.124 A further £2.3m will be required to fund enhancements to the core elements and for pump-priming improvements to Park & Ride services, if the Travel Plan is not considered to be achieving targets to affect a minimum 30% reduction in development generated car trips using the new site access road during the AM and PM peak (when compared against the agreed trip rates within the TA and the associated quantum of occupied units at the time of the surveys being completed). This obligation will extend to 5 years after the completion of development. In addition a cap on car parking provision for the later stages of development will be instigated if the 30% target is not achieved.

16.125 The s.106 agreement will also oblige the developer to implement delivery of on-site bus priority measures (for the benefit of inbound public transport services) adjacent to the new site access road. A 3.5m wide operational bus lane (the length of which should exceed the 'mean' maximum queue length typically experienced within the site on the approach to the proposed signal controlled, shuttle operation arrangement at Marble Arch to a maximum length of 500m) will be provided if significant additional queuing is experienced on the spine road relative to queues on the existing Leeman Rd route.

#### 16.126 Conclusions

16.127 The new road from Water End will fundamentally change the character of the site which, up to now, has been largely inaccessible. The development will also provide the opportunity to create a community served by a wide range of sustainable transport measures, in accordance with national planning policy and the emerging plan. The scale of the development will create significant traffic and other impacts, however a wide range of mitigation measures have been put forward. These will be secured by planning conditions and s.106 obligations including investment in bus services, introduction of resident parking zones, provision for bus priority measures and other sustainable transport initiatives.



## **17.0 URBAN DESIGN AND HERITAGE**

- 17.1 The site is in a prominent and sensitive location close to the city walls and historic core. Three of the museum structures are grade II listed, i.e: the goods station, weigh office and gate piers. Part of the application site lies within the curtilage of the grade II\* listed York railway station. The station and land to the east of it (including the city walls - a scheduled monument) lie within the Central Historic Core Conservation Area) lie within the Central Historic Core Conservation Area, a designated heritage asset.
- 17.2 The scale, character and density of development of the York Central proposals will inevitably have a significant impact on the historic core, long views of York Minster and adjacent historic buildings.
- 17.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the same Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 17.4 In the NPPF, listed buildings and conservation areas are classed as 'designated heritage assets'. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193). Any harm or loss should require clear and convincing justification (paragraph 194).
- 17.5 Emerging local plan policy D5 'Listed Buildings' states that harm to an element which contributes to the significance of a listed building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. Emerging local plan policy D4 'Conservation Areas' states that harm to buildings, open spaces, trees, views, or other elements which make a contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal. Emerging local plan policy D7 'The Significance of Non-designated Heritage Assets' supports development proposals that would sustain and enhance the significance of York's historic environment including non-designated heritage assets.
- 17.6 The overall site layout has been developed to consider the impact of views to and from the site from various sensitive locations. These include key view sets (1) from the neighbouring high ground to the south-west formed from glacial deposits looking back across the city river valley sloping rising into the historic core and the prominence of the Minster; (2) similar views across

the city but from the edge of the site along Leeman Road; (3) from the city walls looking westward past the station back towards the neighbouring hills of viewset 1 and beyond; (4) from the minster looking westward to the site and its relationship to the wider city setting.

- 17.7 In addition to this, the proposed development will achieve public access to large areas current excluded from access, opening up new views that add to the understanding and appreciation of the city.
- 17.8 In considering the above, the masterplan and its various controlling documents of the outline application has in the main successfully mitigated or avoided the potential for negative impacts on heritage assets, through the arrangements of developable area footprints and their respective heights. This is set within the limits of practicalities constrained by a policy expectation for a dense city centre brownfield redevelopment.
- 17.9 No designated heritage assets are proposed to be demolished as part of this application and non-designated assets will be retained where practicable. Any demolitions of heritage value will be fully recorded in accordance with Historic England guidance prior to demolition.
- 17.10 The retention of non-designated heritage assets often form important design generators for the masterplan, including the former Albion Foundry as part of the character of the Foundry Quarter and the former coal drops as part of a significant new public square. The enhancement of listed assets is anticipated through the expansion of cultural facilities at the NRM and anticipated rear of station access improvements. All detailed proposals to listed buildings will be subject to listed building consent. To ensure that the listed gate posts are adequately considered the local authority has recently clarified that parts of the attached boundary wall are to be considered as part of the listing.
- 17.11 Urban Design
- 17.12 NPPF paragraph 130 states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 17.13 Emerging local plan policy D1 'Placemaking' states that development proposals that fail to make a positive design contribution to the city or cause damage to the character and quality of an area will be refused.
- 17.14 As the application is in outline, with all matters reserved, the details such as scale and layout have not been submitted. To guide what follows this stage, the masterplan is explained through two key narrative documents: the Design & Access Statement (DAS) and the Design Guide.

- 17.15 The DAS describes the design intent of the development and the key townscape and placemaking considerations. It describes how the site would be divided into five distinct areas, each defined by a differing mix of uses and each with its own character. It explains how the five character areas are an appropriate response to the constraints and opportunities of the site and to the design drivers of the development. This is not a control document, but has purpose beyond the determination of the outline application in providing context to which reserved matters should be compliant in spirit.
- 17.16 The Design Guide advances the design intent in the DAS and is intended to provide guidance for developers in the successful delivery of the development. It includes different types of guidance: 1) *controlling* - for instance, building gaps or height restrictions that protect key views; 2) *detail beyond the masterplan scale* - for instance, about the design of these streets or the central park; 3) *best practice* - for instance, precedent images and benchmarking standards; 4) *Yorkness* - how the development will be appropriate for this city.
- 17.17 The guide includes mandatory codes, which must be adhered to. The guide also includes advisory guidelines. Although these guidelines are described in the guide as being 'supporting and aspirational' it adds that they 'should be adhered to where practicable'.
- 17.18 A key consideration has been minimising the impact of the development on the historic character of York while providing sufficient quantum of development to ensure the scheme's viability. The scale and massing now described in the development specification and shown illustratively in the masterplan broadly achieves that balance. It shows the office buildings behind the station as being restricted to 4-6 (commercial height) storeys and the apartment blocks at York Yard South as generally having 4-6 (residential height) storeys. The buildings of the largely-residential Foundry Quarter would be lower, typically 3-4 storeys.
- 17.19 Commercial buildings at Station Quarter would still be substantial and viewable from a distance. Officers consider there is a degree of legitimacy for the commercial district to do this, because of its unique role as the main location of office allocation in the emerging plan and the subsequent benefits for the future economy of the city. In addition to concerns over visual prominence, Historic England are concerned that the layout, size and monolithic character of these blocks would be at odds with the grain of the rest of the city. Officers acknowledge this tension because York has little of this type of large floorplate development but consider Design Guide measures such as terracing of development into larger urban blocks (and other measures), to be authentic York like principles that can be applied to something different, rather than considering difference as something wrong

in principle.

17.20 The residential blocks at York Yard South (zones E, J and M) would typically be 4-6 storeys high. Where possible they would be built around a central, semi-private courtyard and they are all adjacent to the benefits of a large new public open space (Central Park). As currently proposed the height and massing of these blocks and the linear character of this part of the site would make the buildings appear prominent, particularly when viewed from the south and west. Historic England share these concerns. However it is hard to envisage how this could be avoided without significantly reducing their height, which would be likely to have a big impact on the viability of the scheme.

#### 17.21 Conclusion

17.22 It is considered that the control documents (development specification, parameter plans and design guide) would, in combination, be sufficient to contain the scale, character and design of the development to what is shown/described in the application whilst giving the developer a reasonable degree of flexibility in the proposals, particularly bearing in mind the expected 15-year period for delivery of the project.

17.23 The impacts have been adequately assessed as far as possible at this stage. NPPF paragraph 196 advises that whether a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The above assessment describes how great care has been taken to avoid where practicable harm to York's historic fabric and setting. In particular, important views of York Minster through and across the site and views of York Central from the city walls.

17.24 Nevertheless, the quantum of development proposed is very large and causes some harm to the significance of heritage assets, particularly the setting of the station and city walls. The extent of that harm would be mitigated by the constraints and guidance imposed by the control documents, particularly the Parameter Plans, Design Guide and Development Specification. Officers consider that, after giving great weight to the assets' conservation, subject to those controls and other mitigation measures, which would be the subject of planning conditions, there would be a balance in favour of development, due to sufficient justifiable public benefits of the overall proposal.

**18.0 ARCHAEOLOGY**

- 18.1 Emerging local plan policy D6 'Archaeology' supports development proposals that affect archaeological features and deposits where they will not result in harm to the significances of the site or its setting. The area around York Central has produced significant archaeological remains. The area of high ground to the south west of the River Ouse has been a focus of human activity during the prehistoric period from at least the Neolithic period and the peat deposits in the area appear to have been used for ritual deposition. The peat deposits therefore have significant potential to produce well-preserved stratified prehistoric deposits and artefacts.
- 18.2 Later, the area around what is now York train station was occupied by one of York's most extensive and significant Roman cemeteries. In the medieval period most of the York Central site was known as Bishop's Fields. The area was used mainly for agricultural purposes but there may also have been areas where tiles were manufactured.
- 18.3 Military activity in the 17th Century took place on two occasions on Bishop's Field; firstly a royal army camped there in 1640, and secondly during the siege of York in 1644. After significant skirmishes in this area, parliamentary forces erected a battery, probably within a captured temporary Royalist position.
- 18.4 The development of the railway industry in York in the 19<sup>th</sup> Century had a transformative impact upon this site, transforming it into the flat railway landscape that forms the York Central site today. The topography continues to be dominated by the train station and associated industries.
- 18.5 The York Central site today is therefore a complex landscape that has significant potential to preserve important undesignated heritage assets, in particular: remains of the Roman cemetery and other Roman period features around York Railway Station; the presence of waterlogged peat deposits that could be provide important evidence relating to the prehistoric and Roman occupation of York; and features and deposits that relate to the development of York as one of the most important centres of railway activity in the 19<sup>th</sup> century.
- 18.6 In 2017 the applicant submitted an EIA Scoping Report in respect of the demolition of existing buildings and proposed mixed use development at York Central (17/01128/EIASP). Chapter 5.3 of the Scoping Report set out a clear approach for assessing archaeology and cultural heritage. The methodology and scope of assessment set out in the Scoping Report for archaeology consisted of:

- an update of the 2005 desk-based assessment. This has been submitted as an appendix to the revised environmental statement received in January 2019;
- creation of an outline deposit model for the underlying stratigraphy (this was not in the original outline application submission but has now been submitted as an appendix to the revised environmental statement received in January 2019);
- identification and monitoring of waterlogged deposits on the site. No information has been submitted;
- creation of an Archaeological Remains Management Plan (ARMP) including a programme of detailed evaluation to be carried out to identify and quantify archaeological risk and any necessary mitigation measures. This was not in the original outline application submission but has now been submitted as an appendix to the revised environmental statement received in January 2019.

- 18.7 The outline deposit model allows an outline assessment of the location and depth of archaeological and natural deposits across the site. This is useful in that it identifies (a) gaps in our knowledge and (b) areas where organic deposits have already been identified. The documentation makes it clear that this is an outline deposit model and that it needs to be expanded through acquisition of more archaeological and geo-archaeological data.
- 18.8 As yet, no detailed programmes of characterisation and monitoring of waterlogged deposits as set out in Historic England Guidance published in October 2016 has been carried out. A programme of characterisation and monitoring needs to be implemented as soon as possible. This will also provide further data that can be added to the outline deposit model.
- 18.9 The outline deposit model has been used to inform the procedures that will be put in place to identify, characterise, assess significance and agree mitigation measures that will be implemented in advance of each detailed application for development. These approaches are set out in the submitted ARMP.
- 18.10 The procedures in the ARMP will ensure that prior to submission of a detailed application for development, the significances of archaeological deposits within the area of the detailed application will be assessed through detailed archaeological evaluation work. The procedures set out in the ARMP will ensure, for instance, that the presence of undisturbed, waterlogged, anoxic deposits dating to either the prehistoric or Roman period will be identified. If present, such deposits may constitute undesignated heritage assets of national importance. If there are such deposits present on site, then the guidance contained in paragraph 197 and note 63 of the NPPF 2019 will need to be considered (these require the

effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application) . The ARMP plan will identify whether nationally important remains are present and what measures will be taken to secure preservation in-situ of these deposits. The ARMP will therefore allow City of York Council to make informed archaeological decisions when each detailed application is submitted.

- 18.11 It is essential therefore that no elements of the proposed development that could cause significant harm or loss to nationally important non-designated heritage assets that might be preserved within the application site are approved in the outline planning application, in line with policy D7 of the emerging plan. Such harm would be caused by the deep intrusive elements of the masterplan including basements, flood storage, and drainage infrastructure. Of these elements it is the basement construction that would have the greatest potential impact. The development specification states that total basement development will be limited to a total excavation volume of 107,100m<sup>3</sup> with basements excavated to a limit of deviation of minus 6 metres below proposed ground level. Consent is being sought to provide basements (within these maxima) for any permitted uses and within all development zones. These areas are shown on submitted parameter plan 009. This aspect of the development could have a highly adverse impact on any archaeological deposits that survive on the site. Approval for the location of basements should therefore not be granted at this outline stage. Consequently parameter plan 009 is being excluded from the list of plans for outline approval. Instead, any basement proposals will be considered at reserved matters stage.
- 18.12 The development will also impact on a number of above-ground structures that relate to the railway industry. A condition should be attached to outline consent requiring these buildings to be recorded by a suitably qualified buildings archaeologist prior to any demolition taking place.
- 18.13 Historic England raise a number of reservations about the revised archaeological information that has been submitted to support this application. They point out that there has been no detailed pre-determination archaeological field evaluation of the site as recommended in the NPPF paragraph 189; that deferring the evaluation phase to reserved matters applications is a high risk strategy; that the geoarchaeological deposit model and ARMP do not fully address Historic England's concerns; and that the primary access road represents an opportunity to carry out detailed evaluation of a transect across the site.
- 18.14 The council's archaeologist shares these concerns; in particular that there has been no pre-determination field evaluation work apart from observation of geotechnical works. However, there are operational rail reasons why

archaeological evaluation has not been carried out. Significant areas of the site are occupied by operational rail land. Access to the entire site has not been possible. A full pre-determination evaluation of the site could not have been carried out. In response, the council's archaeologist is content that Historic England's concerns would be properly addressed by the procedures in the ARMP, which must be followed in full and implemented in advance of submission of all future detailed applications arising from outline approval.

18.15 Conclusion

18.16 The York Central site is a complex landscape that has significant potential to preserve important undesignated heritage assets. The limited information in the application in relation to archaeological investigation of the site has been a significant concern. Whilst officers are confident that the proposed level of basement (and other) excavation can be accommodated without causing significant harm to archaeological deposits, officers are not able to properly consider it without the submission of further information. Therefore, planning conditions should be imposed requiring the submission of further archaeological information at reserved matters stage if planning permission for the scheme is granted.



**19.0 LANDSCAPE**

- 19.1 Paragraph 117 of the NPPF promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 124 highlights the creation of high quality places as being fundamental to what the planning and development process should achieve. Paragraph 127 identifies landscaping as a key consideration in this.
- 19.2 There are a considerable number of functional demands on the proposed green open space on the site. The landscape infrastructure must also provide surface water attenuation and bio-diversity mitigation. In addition, it will accommodate railway lines connecting the NRM to the East Coast Mainline (or, in the alternative, the Freight Avoiding Lines). Suitable measures will be required to protect the public and provide an aesthetically acceptable passage under and across the lines.
- 19.3 The proposals include a number of landscape measures to mitigate visual impact and loss of trees, including, for example, substantial new tree planting adjacent to the access road and in other appropriate locations across the green.

19.4 Conclusion

- 19.5 The submitted proposals are outline with all matters, including landscaping, reserved. Given this limited specific information has been submitted, however the information provided as part of the application is considered acceptable and further details will be forthcoming as part of future reserved matters applications.

**20.0 BIO-DIVERSITY**

- 20.1 NPPF paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting sites of biodiversity and soils.
- 20.2 NPPF paragraph 175 further states that when determining planning applications, the LPA should apply the following principles if significant harm to biodiversity cannot be avoided, adequately mitigated, or as a last resort compensated for, the planning permission should be refused.
- 20.3 Emerging draft local plan policy GI2 seeks to conserve and enhance biodiversity. Development should avoid significant harm and where there is a need for development in that location, the benefits outweigh the loss or harm the impacts must be adequately mitigated against, or compensated for as a last resort. Policy GI4 recognises the value of existing tree cover and their biodiversity value seeking to retain existing trees worthy of retention.
- 20.4 Overall there will be a net loss in biodiversity as a result of this development. Brownfield sites can be very valuable for wildlife, providing a mosaic of bio-diverse habitats. In particular the York Central site contains extensive areas (9.18ha.) of ephemeral habitat (e.g. the limestone ballast of railway sidings). This is considered to be the most ecologically significant habitat on site due to the invertebrate assemblage it supports, and in part as there are unlikely to be any other sites supporting this extent of habitat elsewhere in York and North Yorkshire. Ten notable and one significant invertebrate species have been recorded on the site including butterflies, solitary bees, a species of moth, weevil beetle and ladybird.
- 20.5 Taking into consideration the proposed mitigation (provision of 0.95ha.), there will be an overall loss of 8.23ha. of this habitat from the site, (i.e.89% of the 9.18ha). The Ecological Impact Assessment concludes that the loss of this habitat will result in a permanent moderate adverse effect which is significant at the local authority level.
- 20.6 There will also be a residual loss of broadleaved woodland habitat from the site. Confidence cannot be given to mitigation for the loss of trees as drainage regulations prevent tree planting within 7m of the lip of drainage features (such as the proposed swale and attenuation basin within the Great Park). It is important that for new tree planting a policy of the 'right tree, right place' is followed. Trees that cause shading to areas of ephemeral/brownfield habitat or prevent viable management of areas of semi-natural grassland (e.g. within Millennium Green) have the potential to be of further detriment to the overall biodiversity value of the site, therefore the areas available for new tree planting are limited. Landscaping details will be dealt with at reserved matters stage.

- 20.7 Part of Millennium Green is designated as a Site of Importance for Nature Conservation (SINC). The area of SINC habitat is far enough east of the proposed access road that it should be possible to retain the grassland habitat in its entirety; however this will need careful protection throughout the construction phase. The Framework Construction Environmental Management Plan (CEMP) covers a range of ecological issues that can arise through construction and the use of an Ecological Clerk of Works is particularly supported.
- 20.8 The submitted environmental statement identified invasive species on the site, namely Himalayan Balsam and Giant Hogweed along the banks of Holgate Beck. The application proposes to manage and remove these species from Millennium Green, which will enhance the site and increase the biodiversity of the area.
- 20.9 Correct future management of Millennium Green will also be essential as it is reasonable to assume that recreational pressure and other 'urban edge effects' (litter, dog fouling, etc) that can cause deterioration of habitats will increase as a result of the development. The recreational pressure and urban edge effects here, and on other areas intended to deliver biodiversity mitigation, are likely to be intensified as the scheme presents a deficit in public open space provision.
- 20.10 Extensive bat surveys have been undertaken on all of the buildings across the site. The smith's shop building located at end of Carleton Street supports a confirmed Common Pipistrelle day roost, and this building is due to be demolished. Common Pipistrelle bats are common and widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence will prevent any direct harm and it is considered it will be possible to provide a bat box (or other appropriate features) on site to maintain roosting opportunities. With mitigation, the loss of this roost would not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.
- 20.11 The installation of bat boxes and nest boxes on retained trees and new buildings where suitable will enhance the opportunities for roosting bats and nesting birds within the site.
- 20.12 Brown/green roofs are to be used on high flat roofs which are not occupied by terraces or plant and machinery. The habitat to be provided on these roofs should be beneficial to invertebrates, especially as there is proposed to be a management plan to ensure successful establishment. The creation of biodiverse green roofs using wildflower mixes combined with habitat features such as areas of open bare ground or stone rather than sedum

would provide suitable habitat for invertebrates and provide some replacement for the loss of brownfield habitat as well as providing suitable foraging habitat for birds and bats.

20.13 The proposed swale and attenuation basin within the Great Park will also provide an additional habitat type on site which will be beneficial to biodiversity. Updated ecological information will be required across all phases of the development (Reserved Matters) to inform the preparation and implementation of corresponding phases of ecological measures required through the Design Guide and other ecological planning conditions.

#### 20.14 Conclusions

20.15 There will be a net loss in biodiversity as a result of this development, particularly the loss of approximately 89% of the ephemeral habitat and the loss of trees, which cannot be replaced due to site constraints (drainage and flood risk measures). These losses are significant. These losses would be mitigated in part by the creation of new habitats on site; removal of invasive non-native species; and conditions to cover the following matters:

- Restrictions on the removal of hedgerows, trees or shrubs and works to or demolition of buildings in the interests of protecting nesting birds.
- At each phase of the development invasive non-native species should be submitted to and approved in writing.
- Where the approved development is to proceed in a series of phases further supplementary ecological surveys shall be undertaken.
- Any submission of reserved matters, excluding the Western access road, shall incorporate details of what measures are to be provided within the design of the development for Biodiversity Enhancement.
- Submission of a Landscape and Ecological Management Plan.

**21.0 IMPACT ON YORK CITY CENTRE**

- 21.1 Part of the York Central site (ST5) falls within the city centre; Policy SS3 'York City Centre' acknowledges that York City Centre is the economic, social and cultural heart of York and supports applications for city centre uses. The policy states that within the city centre Retail (A1) is an acceptable use in principle within the designated Primary Shopping Area (PSA). Outside of the PSA the sequential and impact tests will apply in order to protect the vitality and viability of the city centre. Policy R1 'Retail Hierarchy and Sequential Approach' seeks to ensure that the vitality and viability of the city centre, district and local centres and neighbourhood parades will be maintained and enhanced. Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, officers consider that the policy requirements of policy SS3 and R1 should be applied with moderate weight.
- 21.2 The proposals include 11,991 sq m of retail and leisure uses (Class A1-A5 or D2). Whilst part of the site falls within the city centre boundary (as shown on the proposals map), in retail terms this element of York Central is 'edge of centre' as it is more than 300m from the Primary Shopping Area. The type and quantity of any retail provision on the site needs to be informed by a detailed retail assessment. The application is therefore accompanied by a Retail Impact Statement (RIA) which provides an assessment of the proposal including a sequential test and retail impact test as required by paragraphs 85-90 of the NPPF.
- 21.3 The applicant is seeking significant flexibility in terms of the way that the 11,991 sqm of retail and leisure floorspace could operate in order for the scheme to be able to respond to future market demands. In order to demonstrate the acceptability of the retail and leisure floorspace across a range of different arrangements, the applicants have tested four different development scenarios.
- 21.4 Sequential Test
- 21.5 This is an assessment to demonstrate that there are no other viable alternative sites for the proposals within the centres identified in the retail hierarchy; set out in Policy R1. A thorough assessment of the suitability, viability and availability of locations for main town centre uses is required, with a clearly explained reasoning if more central opportunities to locate main town centre uses are rejected. It is for the applicant to demonstrate compliance with the sequential test.
- 21.6 It was agreed at RIA scoping stage that, given the scale of the York Central proposals, the only sequentially preferable site that warrants consideration is the Castle Gateway regeneration area. The applicant has assessed this site

in their RIA, arguing that it Castle Gateway would not be able to accommodate the York Central scheme in its entirety. Further, that the fundamental objective of the scheme is to bring forth a comprehensive development comprised of a number of constituent parts, an objective that would not be realised if components were removed. The applicant has also identified 'location specific' needs which necessitate development to be brought forward on the York Central site. For example, they state that a key component of the proposed development is the extension to the National Railway Museum. This facility requires the provision of direct, heavy rail access, which can only be provided at the application site.

- 21.7 Forward Planning officers agree with the applicant's rationale and concur with their conclusion that there are no sequentially preferable sites which are both available and suitable to accommodate the proposal, even when applying a sufficient degree of flexibility as required by policy. The scale and form of development proposed at York Central could not realistically be accommodated on the Castle Gateway site, even if significant flexibility were to be shown in terms of format. Furthermore, there are some relevant 'location specific' factors which justify the provision of the 'main' town centre uses sought on the application site, such as the need for these to support the extensive residential and employment floorspace proposed as part of a comprehensive regeneration scheme.

#### 21.8 Impact Test

- 21.9 The two key impact tests identified by paragraph 89 of the NPPF relate to:
- i. *the impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal; and*
  - ii. *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, usually up to five years from the time the application is made.*
- 21.10 The Retail Impact Assessment includes an assessment of the potential impact of the proposal on town centre investment. The only potential investment that they review is the emerging regeneration scheme being advanced at Castle Gateway in York city centre. Forward Planning officers are in agreement that this is realistically the only more-centrally located investment proposal that could theoretically be impacted upon by York Central, bearing in mind the scheme's proximity to the city centre.
- 21.11 Forward Planning officers largely agree with the methodology and assumptions that have been applied by the applicant in creating the retail impact model. However, the revised assessment shows cumulative impacts on York City Centre ranging from -10% to -12%. Planning practice guidance is clear that there is no percentage threshold above which an impact must

be regarded as 'significant adverse' and that any judgement has to be made with regards to local circumstances. Having regard to this Forward Planning officers consider that there is potential for significant adverse impacts on the city centre resulting from all scenarios tested unless controls are put in place to mitigate against this risk through appropriate conditions.

#### 21.12 Comparison Goods Floorspace

- 21.13 The applicants revised RIA shows cumulative impacts ranging from 10% to 12%. Planning Practice guidance is clear that there is no percentage threshold above which an impact must be regarded as 'significant adverse' and that any judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. In this case, the applicants argue that anticipated expenditure growth is sufficient to support the cumulative commitments and York Central without reducing the city centre's turnover below the present day (2019) position. However, in the case of Scenario 1 in particular, 86% of forecast turnover growth in the city centre's comparison facilities (2019 to 2024) will be lost to competing schemes which are largely in out of centre locations – increasing their market share at the expense of the city centre.
- 21.14 A further factor to consider is the Experian Goad Centre Report of York (dated December 2018) which, upon request, has been supplied by Avison Young and provides a summary assessment of the centre's health based on a range of data. Whilst this shows that the number of vacant units in York (9.3%) is below the national average (12.5%), it also shows that the percentage of vacant floorspace (12.0%) is just above the national average (11.5%). We have been advised that this evidence indicates that some of the vacancies take the form of larger high-street retail units. This weakens the statements in both the original retail impact assessment and the clarification note that York benefits from a 'high level of vitality and viability'. Whilst we recognise that the city centre is generally vital and viable, the fact that there is an above average proportion of vacant floorspace (which equates to 15,989 sq.m based on the supplied Goad Centre Report) reinforces the concern that a sizable quantum of additional comparison good floorspace at York Central could result in a significant adverse effect on future trade in the city centre, particularly if it became a popular alternative for a cluster of national multiples that might otherwise locate in the Primary Shopping Area.
- 21.15 On balance, therefore, it is considered that Scenario 1's impact of 12% (£83.2m) on city centre trade and turnover could be regarded as 'significant adverse'. We are also of the view that the 11% impact identified in both Scenarios 2 and 3 could constitute a 'significant adverse' impact. Finally, we consider that the impact of 10.2% forecast under Scenario 4 represents, on balance, an 'adverse' impact. Accordingly, to ensure that the cumulative

retail impact of the York Central scheme does not reach 'significant adverse' levels, a restrictive condition is required upon the granting of any future planning permission.

21.16 It is therefore important to consider what conditions are required to manage the potential comparison goods development options resulting from an outline planning permission. Should planning permission be granted, planning conditions should seek to impose the restrictions upon the operation of the retail and leisure floorspace proposed in order to mitigate adverse trading effects upon York City Centre's Primary Shopping Area. For comparison goods these conditions should restrict the quantum of Class A1 retail floorspace to no more than 3,144 sqm (GEA) and of this figure no individual comparison goods unit should exceed 500 sq.m (GEA)

#### 21.17 Convenience Goods Floorspace

21.18 With regards the proposed convenience goods floorspace, it is not considered that the proposed foodstore identified in Scenarios 2 and 4 would result in any 'significant adverse' impacts upon trade and turnover within Acomb district centre, or indeed the city centre. It would also be of significant benefit to the new community at York Central who would, over the long term, account for a sizable proportion of its turnover. Whilst the in-centre Morrisons in Acomb District Centre will lose trade given its proximity, and an impact above 10% can generally be said to be 'significant' the Retail Study Update shows the store to be overtrading by some 60% above expected company average levels (Retail Study Update 2014 paragraph 7.37). It cannot therefore be concluded that a York Central foodstore would result in a 'significant adverse' impact on this centre or facility.

21.19 In terms of the ancillary convenience goods elements (a convenience store and 1,000 sq.m of 'other' convenience goods floorspace), officers agree with the applicant that these units would divert trade from existing convenience stores in a dispersed fashion with no individual retailer likely to suffer a 'significant adverse' impact. Further, the quantum of ancillary convenience goods floorspace tested is of an order that would serve the new resident and worker populations within York Central. As such, its long-term impact is likely to be neutral.

21.20 The convenience goods floorspace should be appropriately conditioned to ensure that no more than 3,500 sq.m (GEA) shall be occupied by Class A1 retail floorspace selling convenience goods, and of this figure no individual convenience goods unit may exceed 2,500 sq.m (GEA) and only one convenience goods unit may exceed 280 sq.m (GEA).



21.21 Leisure Floorspace

21.22 Finally, with regards the proposed D2 use, it is anticipated that this will serve those living and working within York Central and there is therefore no expectation that it will impact adversely upon any in-centre facilities. We consider it important that the D2 floorspace is conditioned such that it functions as a gym or related fitness facility. This is because Class D2 uses also include Cinemas, of which there are already two within York city centre, and competition from this city fringe location could impact upon their long-term viability.

21.23 Conclusion

21.24 For retail the scale of floorspace proposed overall is 11,911 sqm (GEA) but the make-up of this floorspace varies over four scenarios which provide differing quantum of comparison, convenience and leisure floorspace. For three of the scenarios the impact on York city centre would be 'significantly adverse'; for the fourth it would be 'adverse'. In order to ensure that the cumulative retail impact of the York Central scheme does not reach 'significantly adverse' a planning condition should be imposed restricting the quantum of comparison and convenience retail floorspace and restricting the size of any individual retail unit.

**22.0 CULTURE AND COMMUNITY FACILITIES**

- 22.1 Emerging local plan policy HW2 'New Community Facilities', states that developments that place additional demands on existing services will be required to provide proportionate new or expanded community facilities to meet the needs of existing and future occupiers. The majority of respondents feel that the evidence base and viability assessment needs to be more rigorous and robust and that developer contributions and the types of facilities should be made clearer.
- 22.2 Emerging local plan policy D3 'Cultural Provision' supports development where they are designed to sustain, enhance and add value to the special qualities and significances of York's culture. Proposals for strategic sites such as York Central (ST5) are required to demonstrate that future cultural provision has been considered.
- 22.3 Emerging local plan policy SS3 recognises York city centre as the economic, social and cultural heart of York. The boundary for the City Centre incorporates an area to the rear of the train station to which town centre uses apply. The planning application includes up to 8,658sqm of hotel use (C1 use) and an expansion of the National Railway Museum (D1 use). The application also seeks to make provision for other D1 uses such as childcare, healthcare and community facilities to support the new community, although their locations are not specified in detail in the application.
- 22.4 As a main town centre use hotel development plays an important role in supporting the economic well being and vibrancy of York's city centre. The city centre is a sustainable location accessible by a range of transport modes and as such, is the primary location for hotels. Hotel use is shown on the parameter plans to be predominantly on upper floors to the rear of the railway station. As a city centre site, this is considered consistent with policy SS3. Hotel use would support neighbouring commercial uses and the city centre generally.
- 22.5 The application includes up to 12,120 sqm (GEA) floorspace for the expansion of the National Railway Museum and community uses (excluding schools). The NRM is a nationally and locally significant cultural facility and important for the local and regional economy. The proposed expansion would support the long-term future of the museum by enabling a wider exhibition of its collection, providing opportunities for learning, facilitating greater movement through the museum and the creation of new shared public realm. The expansion of the museum is consistent with policies D3, SS3 and SS4, which seeks enhancement of the cultural area around and expansion of the museum.

22.6 A condition is also attached which require appropriate space for a primary care facility for up to 4.no General Practitioners shall be made available within the site.

22.7 Conclusion

22.8 Whilst the provision in the application is in accordance with policy and can be supported, the flexible approach to community infrastructure in terms of location and quantum needs to be monitored. This will ensure that provision is in accordance with the needs of the population on-site and that future applications consider what is required at each reserved matters stage.

## **23.0 OPEN SPACE, SPORTS AND LEISURE**

- 23.1 As the application is in outline the precise nature and layout of open space on the site has not been fully defined or specified. Nevertheless, the open space parameter plan shows the parkland at Central Park, hard and soft landscaping within the grounds of the NRM, hard landscaping in front of the NRM and improvements to Millennium Green. Some of this land would be given over to functions that do not allow public access, such as rail lines and wetlands although such space would contribute to some extent to the enjoyment of the remaining open space and to the sense of openness of the site.
- 23.2 The NPPF supports the provision and enhancement of open space as part of new development. NPPF paragraph 96 recognises the importance of providing a network of high quality open space and opportunities for sport and recreation for health and well-being. It goes on to state that decisions and requirements should be based on robust up-to-date assessments of the need for open space, sports and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sports and recreational provision is needed, which plans should then seek to accommodate.
- 23.3 Emerging local plan policy GI6: New Open space Provision requires all new residential development proposals to contribute to the provision of open space for recreation and amenity. Provision is calculated using a standard methodology set out in the Open Space Study Evidence base, which the council considers to have been prepared in accordance with the NPPF.
- 23.4 Emerging local plan policy GI6 states that the council will encourage on-site provision where possible but off-site provision would be acceptable under certain circumstances. They include on strategic sites (such as York Central), where through strategic masterplanning agreements that make accessible provision beyond allocated site boundaries. The open space standards in the open space evidence base document should still be used as a guide to overall provision.
- 23.5 The application includes an open space assessment as part of the Planning Statement Addendum. The applicant's assessment of open space provision is based on the housing occupancy levels as set out Paragraph 4.44 and the illustrative masterplan housing figure of 2,178 dwellings. Applying the York average for persons per household to this number of homes gives a forecast population for York Central of 5,091.

The applicant has stated that the proposed 12.58ha of on site public open space will consist of:

- Fully accessible public open 5.84ha
- Time limited open space 2ha
- Semi private open space 1.6 ha
- Millennium Green 3.14 ha

### 23.6 Amenity Open Space

- 23.7 The standards used by the applicant to assess the generated demand are consistent with the council's open space evidence base. Using these standards the development shown on the illustrative masterplan would generate a total need for 29.961 ha of open space (or 20.901 ha without outdoor sports provision).
- 23.8 It is considered that open space, which is existing or not publically accessible should not contribute to new on-site provision. In the applicant's list of public open space to be provided on -site, it is considered that the semi-private open space (1.6ha) does not constitute publically accessible open space and Millennium Green is already an existing open space and therefore will provide no net increase in provision. On this basis, officers consider that both of these quantum's (which total 4.74ha) should be excluded from the assessment of proposed on-site open space. Consequently, only 7.84ha (62%) of the 12.58ha set out in the application can be considered accessible.
- 23.9 In the illustrative masterplan scenario presented, a generated demand of 20.901 ha (excluding sport use) is accepted. However, based on provision of 7.84ha of accessible open space, there would be a shortfall of 13.061 ha.
- 23.10 The above quantum's relate to the illustrative scheme of 2,178 dwellings but the application seeks consent for up to 2500 dwellings. Using York's average occupancy rate of 2.37 occupants per household, 2500 homes gives a forecast population for York Central of 5,925 – 834 more people than calculated in the submitted Planning Statement Addendum. This (larger) population would require 34.88 ha of open space overall (i.e. 24.33ha excluding sports provision). This quantum of housing would increase the shortfall (excluding sports provision) to 16.49ha.
- 23.11 In order to address this shortfall the applicant has agreed to:
- Pay £100,000 to fund a link path and/or an extension of the path across land which is not in CYC ownership down to Scarborough Bridge.
  - Pay £25,000 to increase allotment capacity at Holgate and Howe Hill public allotments by sub-division of larger plots.

### 23.12 Outdoor Sports Provision

- 23.13 Emerging local plan policy HW3 'Built Sports Facilities' of the emerging plan states that development that places additional demands on existing built

sports facilities will be required to provide proportionate new or expanded facilities, to meet the needs of future occupiers. Based on the open space standards set out in the council's open space evidence base study (September 2017) the demand generated by the 2500 dwellings would be 10.55ha of sports facilities. The provision shown on illustrative masterplan of 0.6ha therefore represents a considerable deficit in provision.

23.14 Officers recognise that the application does not and cannot accommodate within the development the type and quantum of outdoor sports provision required by policy. This shortfall in provision should be therefore made good by a financial contribution towards sports provision off-site.

23.15 The evidence base underpinning the calculation of payment for off-site open space – 'Commutated Sum Payments for Open Space in New Developments – A Guide for Developers' was updated in 2014 and is referenced by Policy GI6 as the basis for calculating contributions. In advance of the production of a Green Infrastructure SPD officers consider that financial contributions should be in accordance with the payment structure set out in the guide for developers and the quantum's based upon policy GI6.

23.16 Based on the commuted payments guide, the Council's Sport and Active Leisure Team have forecasted a figure of £829,209 to be provided by the developer. Based on knowledge of the geographical area the funds would be used to provide new or improved sports facilities which would include, in no particular priority order:

- York RI, Queen Street – support the development of Queen Street.
- York RI, New Lane – support the development of an Artificial Grass Pitch.
- York Clifton Alliance Cricket Club – support the development of a 2<sup>nd</sup> team pitch.
- Development of York Hospital Bootham Park pitches.
- York City Rowing Club – Development of existing boat house

23.17 The financial contribution has been agreed by the applicant and is included in the s.106 agreement.

#### 23.18 Employment Provision

23.19 The commuted payments guide specifies that developments over 2,500sqm should provide 9sqm of open space per employee. At York Central this would generate a requirement for between 7,778 sqm and 9,743 sqm based upon the proposed range of employment space (70,000 sqm – 87,693 sqm). However, it is accepted that the location of the office development is in close proximity to the proposed residential open space and amenity space. This means, in effect, that the open space would cater for both residential and employment development so, in this case, no contribution towards employment-generated open space is required.

23.20 Conclusion

- 23.21 It is acknowledged that there is an open space shortfall in terms of what would normally be required for a site with a potential population of this size. However, it is considered that there are a number of mitigating factors which need to be considered given the nature of the development and its location. The site is situated adjacent a major transport hub in an urban location and as such high density development is supported by both national and local planning policy. Such development by its nature means that the population is likely to be higher than that of a more suburban location and therefore the policy requirement in relation to open space increases as the numbers of residents and employees increases. The urban nature of the site along with constraints mean that a certain quantum of development is required to be financially viable to bring this site back into use. The ability to provide off-site provision in the locality is also severely constrained due to the built up nature of the surrounding area.
- 23.22 On balance it is considered that the on site provision and off site provision proposed is acceptable subject to a condition which requires details of the management and maintenance of public open space within the site along with £829,209 for sports provision and £125,000 for off site open space which will be secured via a s.106 agreement.

## **24.0 FLOOD RISK AND DRAINAGE**

- 24.1 NPPF paragraph 150 states that where new development is proposed in areas vulnerable to flooding, care should be taken to ensure that risks are managed through adopting appropriate measures. Paragraph 155 reiterates that development should be directed away from areas vulnerable to flooding. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 24.2 NPPF paragraph 157 advocates a sequential, risk-based approach to the location of development should be adopted taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. This should be done by, among other things, applying the sequential test and then, if necessary, the exception test. Paragraph 158 highlights that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. The Strategic Flood Risk Assessment provides the basis for applying the test with the sequential test being used in areas known to be at risk of flooding now or in the future.
- 24.3 Paragraph 163 states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where a flood risk assessment (and the sequential and exception tests as applicable) it can be shown that the most vulnerable development is located in areas of lowest risk.
- 24.4 NPPF paragraph 165 is clear that major developments should incorporate sustainable development systems unless there is clear evidence that this would be inappropriate.
- 24.5 Emerging local plan p policy ENV4 'Flood Risk' of the emerging plan states that new development shall not be subject to unacceptable flood risk and shall be designed and constructed in such a way that mitigates against current and future flood events. The policy goes on to advocate the approach adopted by the NPPF.
- 24.6 Emerging local plan policy ENV5 'Sustainable Drainage' states that for all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate unless it can demonstrated that it is not reasonably practicable to achieve this reduction in runoff.
- 24.7 The vast majority of the application site is within Flood Zone 1. Part of the area towards the northern end of the site is adjacent to and over culverted sections of the Holgate Beck, which discharges into the River Ouse; this area is in Flood Zone 2. The northernmost tip of the site, where an open section of Holgate Beck passes through Millennium Green, is in Flood Zone



3a.

24.8 Some residential development is proposed within Flood Zone 2 (zones J, L, M and N). The sequential approach set out in the NPPF seeks to steer residential development (which is classed as a more vulnerable use) to areas of lower flood risk (i.e. zone 1). Nevertheless, residential use in zone 2 is considered appropriate given the largely-residential nature of this part of the adjacent area. If, at reserved matters stage, consent were to be sought for housing with basements (classed as highly vulnerable development) in zone 2 the applicant would have to show that it passed the exception test. In support of such an application would be the sensitive setting of the site in relation to view of York Minster and the City Walls. Basements would reduce to some extent the mass of buildings above ground level, thereby reducing the visual impact on strategic views of these heritage assets. Furthermore the site occupies a very sustainable location being situated adjacent to the City Centre and the mainline railway station. No buildings are proposed within Flood Zone 3.

24.9 The proposed access into the site would pass through Flood Zone 2 and a small part of Flood Zone 3a. The section through Flood Zone 3A would be elevated within an embankment adjacent to Millennium Green. The access is being designed to remain operational and safe in times of flood.

24.10 The site will be drained by separate foul, surface water and highway drainage systems. Part of the new park will act as a sustainable urban drainage system to alleviate the risk of flooding.

#### 24.11 Conclusion

24.12 The applicant has taken a sequential, risk-based approach to the location of development, as required by policy. This has directed most of the development away from zone 2 and all development, except the proposed access, away from zone 3a. The access will be elevated and be designed to remain operational and safe in times of flood. Conditions will address surface water drainage, compensatory flood storage, no development within 8m of Holgate Beck culvert, provision of a remediation strategy to deal with land contamination, and no piling without the express consent of the local planning authority.

24.13 Given the above it is considered that the proposals are acceptable in principle in terms of flood risk and drainage.

## **25.0 ENVIRONMENTAL PROTECTION**

- 25.1 NPPF paragraph 127 states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users. Paragraph 180 states that planning decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 25.2 Emerging local plan policy ENV2 'Managing Environmental Quality' deals with Managing Environmental Quality and in particular adverse environmental impacts arising from development which impacts on existing and future residents. Where proposals are acceptable in principle, planning permission may be granted subject to conditions to mitigate the impact.
- 25.3 The site is surrounded by operational railway land and as such is susceptible to noise and vibration from passing trains as well as engineering works which may take place at more sensitive times of the day such as overnight or at weekends when residents are more likely to be at home. In addition, some residents of the existing St. Peters Quarter have expressed concern about the proximity of Development Zone H with regard to its impact on residential amenity, height, overshadowing and overlooking.
- 25.4 The submitted masterplan shows a landscaped swathe between the housing blocks at zone H and the existing housing at St Peters Quarter. However, the masterplan layout is illustrative; the reserved matters proposals may be quite different. Therefore, to ensure that the amenity of the existing occupiers (and future residential occupiers of the York Central site) is protected a planning condition is proposed. It would require, as part of any reserved matters application, an assessment of the daylight and sunlight conditions for the existing and proposed residential dwellings on and around the plot to be submitted and approved. The detailed design of any buildings on the plot would be required to incorporate mitigation measures recommended by the assessment.
- 25.5 Conclusions
- 25.6 The outline nature of the application means that at present it is difficult to identify and address individual impacts of the development. These ordinarily are dealt with at reserved matters stage when full details are submitted for approval. Having regard to concerns raised by residents in the St. Peters quarter a condition is proposed which will require a detailed assessment to be submitted for development in Zone H so that future development is designed to minimise any impacts on these residents. As part of this assessment the usual residential amenity considerations will also be taken into account as part of any application received.

- 25.7 Other planning conditions would address other environmental issues raised by reserved matters applications such as emission mitigation, recharging of electric vehicles, noise and vibration, construction environmental management, light pollution and contamination.
- 25.8 It is therefore considered that through the use of conditions adequate mitigation can be put in place to control the impacts of future development throughout the lifecycle of the development process.

## **26.0 SUSTAINABILITY**

- 26.1 Development has an important role in tackling climate change and delivering sustainable development goals in line with the NPPF. NPPF paragraph 7 defines the purpose of the planning system as being to achieve sustainable development. This is summarised as meeting the needs of the present without compromising the ability of future generations to meet their needs. Paragraph 8 identifies three overarching strands of sustainable development; these are economic, social and environmental. At the heart of the planning system is a presumption in favour of sustainable development and this is outlined in Paragraph 11.
- 26.2 Emerging local plan policy CC1 'Renewable and Low Carbon Energy' of the emerging plan states that new buildings must achieve a reasonable reduction in carbon emissions of at least 28%. Strategic sites such as York Central are also required to produce energy masterplans to ensure that appropriate low carbon, renewable and energy efficient technologies are used.
- 26.3 Emerging local plan policy CC2 'Sustainable Design and Construction' encourages developments that demonstrate high standards of sustainable design and construction. Proposals should consider best practice adaptation principles for climate resilience in design, construction and operation. New residential buildings should achieve a minimum 19% reduction in emission rates and a water consumption rate of 110 litres per person per day based on the 2013 Building Regulations.
- 26.4 The sustainability statement accompanying the application states that the project aspires to achieve best practice in relation to sustainability across the eight categories identified. These can be summarised as energy & carbon, health & wellbeing, water, materials & waste, transport, landscape & ecology, social & economic and climate adaptation. As this is an outline application there is a high level commitment from the applicant to deliver on these objectives to meet both national and local planning policy objectives. This will be achieved using a variety of measures, which will be developed in more detail and refined through the reserved matters applications.
- 26.5 A condition is attached which requires any non-residential use to achieve at least a BREEAM rating 'Excellent'.
- 26.6 Conclusions
- 26.7 The applicant has made a series of commitments to deliver an exemplar development in terms of sustainability.
- 26.8 To ensure that the commitments made by the applicant in their outline submission are met a series of planning conditions are proposed which

require the submission of further details at the reserved matters stage. These will ensure that the policy requirements above are met as a minimum, if not exceeded.

**27.0 EDUCATION**

- 27.1 NPPF paragraph 34 states that local planning authorities should set out in their plans the contributions expected from development towards infrastructure including educational facilities.
- 27.2 Emerging local plan policy HW4 'Childcare Provision' expects new strategic sites such as York Central to conduct an audit of existing childcare facilities and their current capacity, incorporating any new facilities if required (either on site or via developer contributions).
- 27.3 Emerging local plan policy ED6 'Preschool, Primary and Secondary Education' supports the provision of sufficient modern education facilities for the delivery of preschool, primary and secondary school education to meet identified need and address deficiencies in existing facilities. This includes new provision to support strategic housing allocations such as York Central. Policy HW4 indicates that development will be supported where it helps meet the need for children's provision.
- 27.4 No on-site primary or secondary school provision is required or proposed. There are sufficient schools in the catchment already. However the development will increase the demand for school places at those schools. Early years child care provision could potentially be provided on site by the developer in the form of a private nursery or a commuted sum are provided in lieu of such provision.
- 27.5 Education officers estimate that the development of 2500 dwellings would result in a yield of 447 pupils across all the age groups and that this would require a commuted sum of £4,619,187 to be paid by the developer. The developer has agreed to the payment, which would go towards the cost of providing additional places at the existing schools. As the planning application is only in outline - and in the absence of further details about the scheme – the payment would be based on a formulaic calculation, secured through the s.106 agreement. The precise monetary sum would depend on the number and mix of dwellings provided.
- 27.6 Conclusion
- 27.7 Subject to an appropriate planning obligation in the s.106 agreement which secures commuted sum payments for secondary, primary and preschool education provision via a formulaic approach used by the Local Education Authority, it is considered that the impact of the development on existing educational facilities can be mitigated against.

## 28.0 DEVELOPMENT DELIVERY

### 28.1 S.106 Agreement

28.2 The applicant has agreed to enter into an agreement with City of York Council is under Section 106 of the Town and Country Planning Act (1990) to secure various infrastructure works and other mitigation measures. To ensure the effectiveness of the obligations comprised in the s.106 throughout the entire development area of the site an 'Arsenal' condition is attached. This is to ensure that no part or phase of the development shall commence within Development Zones K and/or P as shown on the approved parameters plans, unless and until all estates and interests in the land comprised in that part or phase of development are subject to and bound by the s.106 agreement.

28.3 The Community Infrastructure Levy Regulations 2010, as amended, set out legal tests relating to the use of planning obligations. Regulation 122 states (where there is no CIL charging regime) a planning application may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development: and
- (c) fairly and reasonably related in scale and kind to the development.

28.4 The works and measures to be included in the proposed agreement satisfy all of these tests.

28.5 Regulation 123 prevents the collection of pooled contributions towards infrastructure projects or types where five or more obligations securing contributions towards that infrastructure project or type have already been secured by the council. None of the proposed contributions would be prevented by regulation 123.

28.6 The proposed agreement would include the following works, measures and obligations.

#### **1. Transportation and Highways Infrastructure Improvements**

A financial contribution by the applicant of £4,992,000 to fund the following core infrastructure improvements and sustainable transport initiatives:

- 1) Pedestrian/Cycling Infrastructure
- 2) Public transport infrastructure (off site bus priorities)
- 3) Bus service enhancements (provision of additional frequent services)

- 4) Network capacity enhancements including localised junction layout changes and the linking of groups of junctions to operate more effectively
- 5) Employment of a site-wide framework travel plan co-ordinator
- 6) Provision of City Car Club facilities
- 7) Preparation and development of sustainable travel packs
- 8) Monitoring of on-street parking and introduction of residential controlled parking zones

Implementation by the applicant of various other sustainable transport initiatives identified in the framework travel plan and agreed with the Local Planning Authority.

A financial contribution by the applicant of £2,328,000 to fund (a) enhancements to the above core infrastructure improvements and sustainable transport initiatives and (b) Improvements to Park & Ride services. These measures would be required in the event that the travel plan is not achieving targets to effect a minimum 30% reduction in development-generated car trips using the new site access road during the AM and PM peak and a 10% mode split reduction in single occupancy car journeys (when compared against the agreed trip rates within the TA and the associated quantum of occupied units at the time of the surveys being completed). The obligation will extend to 5 years after the completion of development.

In the event that the above travel plan targets are not met the level of car parking provided on the site for commercial development shall be capped such that no further parking shall be permitted above that provided for the occupied development at the car parking rate set out in the transport assessment.

Implementation by the applicant of on-site bus priority measures (for the benefit of inbound public transport services) comprising a 3.5m wide operational bus lane) adjacent to the new site access road. The bus lane to be provided within 12 months of average peak hour journey time delay (between the Water End/Salisbury Road intersection and Leeman Road/Station Avenue/Station Rise intersection) exceeding an additional 60 seconds above the equivalent 2019 baseline position.

The length of the operational bus lane should exceed the 'mean' maximum queue length typically experienced within the site on the approach to the proposed signal controlled, shuttle operation arrangement at Marble Arch and up to a maximum length of 500m.

## **2. Affordable Housing**

20% of all housing (Class C3) across the site to be affordable, based on



a policy compliant split of 80% social rented and 20% intermediate housing. The agreement will include a viability review mechanism as part of the S.106 agreement to ensure that 20% is achieved across the development and that the tenure mix provided is necessary to make the scheme viable.

**3. Gypsies and Travellers**

A commuted sum by the applicant for gypsy and traveller off-site accommodation at various trigger points as the development progresses. This will be a commuted sum of £900,000.

**4. Formal Sports Provision**

A Commuted sum by the applicant for provision of off-site sports facilities. Phasing of payment and location of schemes to be to be agreed.

The size of the contribution will be in accordance with CYC's pre-existing SPD formula, therefore will not be known exact mix and number of residential units are known. However it is forecasted to be £829,209.

**5. Education Provision**

A commuted sum for off-site provision of places for secondary, primary and preschool places. The contributions are to be based on the LEA's formula and following an assessment of capacity and need at the time each reserved matters application is submitted. Officers estimate that the development of 2500 dwellings would result in a yield of 447 pupils requiring school places and that in accordance with policy this equates to a commuted sum payment of £4,619,187.

**6. Off site Open Space**

A commuted sum by the applicant of £100,000 to fund a link path and/or an extension of the path across land which is not in CYC ownership down to Scarborough Bridge.

A commuted sum by the applicant of £25,000 to increase allotment capacity at Holgate and Howe Hill public allotments by sub-division of larger plots.

**7. General**

Where measures or financial contributions are to be phased the phasing shall be agreed between the applicant and the local planning authority.

28.7 Construction Phasing

28.8 The applicant, Homes England and Network Rail, are the landowners of the majority of the application site and is expected to act as master developer

for the development, working with development companies and house builders to deliver the scheme in a coherent manner and ensuring the obligations and conditions laid down by the planning permission (if granted) are satisfied. They have outlined the following as an indicative delivery programme.

- 28.9 It is understood that a significant proportion of the infrastructure costs of the development are understood to be grant funded.
- 28.10 A condition of consent will require the applicant to submit a phasing plan to the local planning authority for approval for the development and so details of such a phasing plan are to be the subject of a condition which the Applicant will need to discharge before work commenced on the construction of buildings.
- 28.11 However, based on discussions with the applicant, officers anticipate that the development will be implemented broadly as follows. Some of the implementation phases and dates be the subject of phasing strategies requiring approval by the local planning authority under conditions of planning permission.
- 28.12 The applicant has indicated that they will apply for reserved matters approval of the Phase 1 Infrastructure in Summer 2019. The Phase 1 Infrastructure will include:
- the western access to the site at Water End (including improvements to Severus Bridge);
  - a new bridge over the East Coast Mainline;
  - the proposed spine road and associated footways and cycleways;
  - a new stretch of road linking the spine road to Leeman Road at its western end;
  - the proposed Hudson Boulevard (a dedicated pedestrian and cycle link that will run to the immediate south of the NRM);
  - a road cars, cyclists and pedestrians to the east of St Peters Quarter which extends into a dedicated pedestrian and cycle route through South Yard (currently the NRM car park) linking into Hudson Boulevard. a road loop for public transport and drop offs adjacent to the western entrance to York Railway Station;
  - alterations to Leeman Road Tunnel and Marble Arch;
  - improvements to the footways and the provision of a cycleway to the east of the Leeman Road Tunnel; and
  - compliant access to the railway station.
- 28.13 Work on the construction of this infrastructure will start later in 2019. The new western access, spine road and associated infrastructure will have

been completed by Summer 2021. This will give pedestrians and cyclists an alternative to Leeman Road ahead of its anticipated diversion in 2023. Until 2023, Leeman Road will continue to be available to pedestrians and cyclists as it is now.

- 28.14 Development of the residential and commercial uses is expected to start in early 2021, with the plots to the immediate east of the St Peter's Quarter likely to come forward as a first phase. The rest of the housing development will progress in a manner consistent with the delivery of supporting infrastructure including open spaces and new or improved transport connections.
- 28.15 The National Railway Museum is expecting to start construction of its new central gallery in 2023, enabling it to be open to the public in 2025 to coincide with its 50<sup>th</sup> anniversary and the 200<sup>th</sup> anniversary of the railways. Leeman Road will need to be diverted when work on the gallery starts. Once the gallery is complete pedestrians will be able to walk through it to get to / from the City Centre, the Railway Station and the proposed new commercial development, during Museum opening hours.
- 28.16 Work on the new park, Museum Square and the Coal Drops is expected to start in 2020/21 and be available for use to support the early phases of the residential and commercial development and at the latest by early 2023.
- 28.17 The applicant will be delivering a compliant (disabled) access to the railway station as part of the Phase 1 Infrastructure package as indicated above. The proposed western concourse is expected to be delivered by early 2023.
- 28.18 The applicant's preference for the pedestrian and cycle access into the site from the south is via Wilton Rise but Wilton Rise is a private road. More work and consultation with local residents is needed to determine how and when this access could be constructed. The additional work and consultation will start in Spring/Summer 2019 with a view to start construction in 2021.
- 28.19 The applicant's proposed enhancements to: Leeman Road Tunnel; Marble Arch to the eastern end of Leeman Road; and the underpass at the western end of Leeman Road are anticipated to have started by 2023 at the latest. The works to the underpass will be subject to further consultation with the local community to take place later in 2019.
- 28.20 The applicant anticipates completing the development by 2033/34.

## 29.0 THE PLANNING BALANCE

29.1 At the heart of National Planning Policy (NPPF para 11d) is a presumption in favour of sustainable development. For York Central it means granting permission unless

- i. the application of policies in this Framework (NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework (NPPF) when taken as a whole’.*

### 29.2 Adverse Impacts

29.3 The proposals as submitted will have the following adverse impacts on:

- The setting of the historic city, the city walls and York Minster - The harm to the setting of these designated heritage assets will be less than substantial and will be limited by restricting the height and mass of building blocks, maintaining key views to and from the Minster and city walls;
- Impact on the grade II\* listed train station, grade II listed goods station, grade II listed gate posts and non-designated heritage assets - The development will result in less than substantial harm to the significance of these heritage assets. Harm will be limited by the requirement for listed building consent for works to these structures and the further requirement that the proposals be in accordance with the submitted design guide.

29.4 The development does give rise to some adverse impacts although the significance of these has been reduced by the provision of a very extensive range of mitigation measures which can be secured by planning conditions and S106 obligations:

- Impact on traffic and transport - The scale of the development will create significant traffic and other impacts. These will be mitigated by a wide range of effective transport measures, which will be secured by planning conditions and s.106 obligations. Extensive travel plan measures include investment in bus services, the introduction of resident parking zones, the provision of bus priority measures and other sustainable transport initiatives.
- Impact on York city centre - The scale of proposed retail and leisure floorspace is 11,911 sqm (GEA) but the make-up of this floorspace varies over four scenarios, which provide differing quantum of comparison, convenience and leisure floorspace. For three of the scenarios the impact on York city centre would be ‘significantly adverse’; for the fourth it would be ‘adverse’. In order to ensure that the cumulative retail impact of the York Central scheme does not reach ‘significantly adverse’ a planning condition should be imposed

restricting the quantum of comparison and convenience retail floorspace and restricting the size of any individual retail unit.

- Impact on biodiversity - There will be a net loss in biodiversity as a result of the development, particularly the loss of approximately 89% of the ephemeral habitat and loss of trees, which cannot be replaced due to site constraints. These losses are significant. They would be mitigated in part by the creation of new habitats on site; removal of invasive non-native species; and submission of a Landscape and Ecological Management Plan.
- Provision of amenity open space on site - The quantum of open space is below the standards required by policy, exacerbated by the competing demands upon it. In mitigation, the quality of the landscaping proposals will be high and a financial contribution will be made by the developer to improve open space facilities off site.
- Provision of outdoor sports facilities on site - The application proposes no facilities for outdoor sports on the application site. This would however be mitigated by a financial contribution towards provision of sports facilities elsewhere in the local area. The size of the contribution would be in accordance with council standards.

29.5 The adverse affects have to be weighed against the considerable and wider benefits of the scheme:

#### 29.6 Scheme Benefits

- The Redevelopment of a large under-used brownfield site in a highly sustainable location.
- The provision of a new business quarter for the city (with between 70,000 m<sup>2</sup> and 87,693 m<sup>2</sup> GEA of office use (Class B1a) and a substantial number of new office jobs (possibly up to 7000 jobs).
- The creation of substantial employment opportunities for those in the construction industry.
- Provision of up to 2500 new homes including 20% affordable housing, specialist housing for the elderly, self/custom-build opportunities and a financial contribution towards provision of gypsy and traveller pitches off site.
- The scheme for the re-development of this brownfield site would make a significant contribution to the city wide strategic land allocations for employment and housing in the emerging Local Plan.
- The application proposes the enlargement and enhancement of the National Railway Museum (NRM), which is a major cultural asset that is a significant contributor to the local/tourist economy.
- Provision for new hotel accommodation in a sustainable location close to: the railway station, the new business quarter and the NRM.
- Provision for new facilities for Community use.
- Creation of a large linear public park (to be known as Central Park).

- Creation of a large public square (to be known as New Square) between the National Railway Museum and York railway station.
- Improved access to York rail station including a new western entrance.
- Increased and improved pedestrian and cycle routes into York and across the site from Holgate Road.

**30.0 CONCLUSION**

- 30.1 This outline planning application seeks approval for the principle of a mixed use development of this substantial brownfield site. The site forms part of an important strategic land allocation in the emerging local plan and would make a major contribution to the provision of housing and employment land in the city, for development over the next 15 to 20 years whilst also making provision for the expansion of the National Railway Museum.
- 30.2 It is an outline planning application with all detailed matters reserved for subsequent consideration. The future details of development can be controlled and determined at the appropriate times through the submission of “reserved matters” applications together with the specific requirements of planning conditions and S106 legal obligations.
- 30.3 This major development proposal will clearly result a range of environmental and other adverse impacts and whilst measures can be put in place to mitigate against some of the adverse impacts, those which would remain should be properly assessed against the positive benefits of the scheme when assessing the planning balance. Both the impacts and the benefits are identified in detail in the committee report and are summarised above.
- 30.4 These benefits, which are very significant when assessed against national planning policy in the NPPF and local planning policy in the emerging plan, demonstrably outweigh the adverse impacts scheme and justify consent and in these circumstances the application is recommended for approval.

**31.0 RECOMMENDATION**

That delegated authority be given to the Assistant Director of Planning and Public Protection to

- i. refer the application to the Secretary of State for Communities and Local Government under the requirements of section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to
- ii. the conditions set out in this report; and
- iii. completion of an agreement under s.106 of the Town and Country Planning Act.



## **32.0 CONDITIONS AND INFORMATIVES**

### **Time for development to commence**

#### **Reserved matters**

1. No development shall commence other than enabling works of any phase, sub-phase or building until approval of details of: Access; Appearance; Landscape; Layout; Scale (hereinafter referred to as the reserved matters) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application is granted in outline only under Part 3, Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and details of matters referred to in this condition have not been submitted for formal consideration.

INFORMATIVE: Enabling works is defined as (1) site investigations (including archaeological investigations), sampling or surveys; (2) site decontamination and remediation; (3) ground improvement; (4) plot demarcation and pegging out; (5) construction of haul roads and associated accesses for construction and site preparation traffic; (6) installation of approved schemes of drainage; flood attenuation and structural landscaping; (7) the demolition of any existing buildings or structures; (8) the clearance or re-grading of the Site; (9) works connected with infilling; (10) the provision of any security fencing; (11) works for the provision of drainage or mains services to prepare the Site for development; (12) any other preparatory works as may be agreed in writing with the Council; and (13) carrying out of works associated with any approved schemes of environmental mitigation or mitigation relating to any of the above.

#### **1<sup>st</sup> Reserved Matters Application**

2. The first application for approval of reserved matters shall be made to the Local Planning Authority no later than 3 years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 and 92 of the Town and Country Planning Act 1990 amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **All reserved matters**

3. Application(s) for approval of all the reserved matters of the development hereby permitted shall be made to the local planning authority before the expiration of 20 years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 and 92 of the Town and Country Planning Act 1990 amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Commencement of development**

4. The development hereby permitted shall be begun before the expiration of 3 years from the date of approval of the last of the reserved matters.

Reason: Required to be imposed pursuant to Section 91 and 92 of the Town and Country Planning Act 1990 amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **'Arsenal' Condition**

5. No part or phase of Development shall commence within Development Zones K and/or P, as shown on the approved Parameter Plans, unless and until all estates and interests in the land comprised in that part or phase of Development are subject to and bound by the terms relating to Development Zone K or P, as appropriate, set out in the Section 106 Agreement dated [ ] between [Network Rail, Homes England and [National Railway Museum] ].

Reason: As the Local Planning Authority would not have granted outline planning permission in the absence of a signed S.106 Agreement and at the time of this permission being issued the applicant was not able to bind all relevant interests in the site to the terms of the planning obligations it contains. This condition restricts development on land until such time that it is bound by a confirmatory deed and the planning obligations contained in the S.106 agreement are therefore enforceable, in order to secure the phased comprehensive residential development of the site, in accordance with Policy DM1 of the City of York Publication Draft Local Plan.

### **Approved plans / documents**

6. The development hereby permitted shall be carried out in accordance with the following plans (and reports):-

Parameter Plans – YCL –ALM –ZZ-XX-RP-DR-0001 Revision A dated January 2019 -  
YC-PP 002A, 003A, 004, 005A, 006, 007, 008A, 010, 011, 012.

Development specification document - YCL-ARP-ZZ-XX-RP-TX-0006 Revision A dated January 2019

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

## Design Guide

7. The development hereby permitted shall be carried out in accordance with the Design Guide reference YCL-ALM-ZZ-XX-RP-AX-0003 REV A dated January 2019. Any variation to the approved Design Guide shall be first approved in writing by the Local Planning Authority.

Each reserved matters application for a building, phase or sub-phase of the development, shall be accompanied by a compliance statement explaining how that phase, or sub-phase (including a building) accords with the approved Design Guide and Parameter Plans.

Reason: This is an outline planning permission which will be developed in multiple phases. Compliance with the approved parameters and design guide is required to deliver a coherent approved vision, in accordance with design guidance as detailed in National Planning Guidance.

## General controls

### Limitations on permitted uses

8. The uses hereby permitted shall not exceed or fall below (where a minimum is stated) the following specified unit numbers or Gross External Floorspace (GEA) ranges:

Office (Class B1(a)/B1(b)) – between 70,000sqm and 87,693sqm

The total retail and leisure floorspace (Use Classes A1, A2, A3, A4, A5 and D2) hereby approved shall not exceed 11,991 sq.m Gross External Area (GEA), inclusive of any mezzanine floorspace, of which:

- No more than 3,144 sq.m (GEA) shall be occupied by Class A1 retail floorspace selling comparison goods, and of this figure no individual comparison goods unit may exceed 500 sq.m (GEA);
- No more than 3,500 sq.m (GEA) shall be occupied by Class A1 retail floorspace selling convenience goods, and of this figure no individual convenience goods unit may exceed 2,500 sq.m (GEA) and only one convenience goods unit may exceed 280 sq.m (GEA);
- No more than 3,597 sq.m (GEA) shall be occupied by Class A2, A3, A4, and A5 floorspace (in combination);
- No more than 1,750 sq.m (GEA) shall be occupied by Class D2 floorspace, and Class D2 uses shall be limited to gymnasiums and related fitness centres.

The overall floor-space shall not exceed 379,729 sq m.

Reason: To ensure that the development does not exceed the range or scale of those environmental impacts assessed and measured in the Environmental Statement in accordance with Policy SS4 of the City of York Publication Draft Local Plan and Paragraph's 72 and 122 of the NPPF.

### **No PD rights for office to residential conversions**

9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) Paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking or re-enacting this Order, the use of the B1a office floor space hereby permitted shall be restricted to this use only and shall not be used for any other use without the prior written consent of the Local Planning Authority.

Reason: To ensure employment provision is delivered as part of development in accordance with Policy SS4 and EC1 of the City of York Publication Draft Local Plan and Paragraph's 80 – 82 of the NPPF and is retained thereafter.

### **PD rights on telecommunications**

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment, as defined under part 16 – communications of The Town and Country Planning (General Permitted Development) (England) Order 2015 (and in subsequent amendments), shall be erected on any part of the development, without planning permission first being granted by the Local Planning Authority.

Reason: To ensure the visual impact of telecommunications equipment can be properly considered, in accordance with Policy D1 of the City of York Publication Draft Local Plan and Paragraph 113 of the NPPF given the scale of development permitted and the potential impact of such on strategic views of the Central Historic Core Conservation Area and its heritage assets.

### **Phasing**

11. No development shall commence, other than enabling works of any phase, sub-phase or building until a detailed Phasing Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details (unless superseded by a subsequent strategy approved in writing by the Local Planning Authority).

The strategy shall include the phasing of open space and infrastructure (including all roads, pedestrian and cycle routes within the Access and Circulation Routes Parameter Plan) and illustrate how these would be delivered in conjunction with the development zones.

Reason: To ensure the development is carried out in appropriate phases in accordance with the range and scale of impacts assessed and measured in the Environmental Statement and to ensure the promotion of sustainable modes of transport.

### **Phasing for car parking**

12. No development shall commence, other than enabling works of any phase, sub-phase or building and construction of the Primary Vehicle Route (as defined by parameter plan YC-PP 006: Access and Circulation Routes), until a detailed phasing strategy for car parking has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall include details of the phasing of the provision of all existing, any temporary, and proposed short and long stay public car parking and parking associated with the approved commercial uses; the number of spaces available for use at all times and how the provision is provided in line with the amount of development on-site and associated uses.

Reason: To ensure the development is carried out in appropriate phases in accordance with the range and scale of impacts assessed and measured in the Environmental Statement and to ensure the promotion of sustainable modes of transport, in accordance with section 9 of the NPPF.

### **Public Open Space Management & Maintenance**

13. Prior to first occupation or use of the development hereby approved a management and maintenance strategy for the public open space shall be approved in writing by the Local Planning Authority and shall be adhered to for the lifetime of the development.

The strategy shall set out the approach to ensuring open space defined as being available for general public use shall remain accessible to the public for the lifetime of the development.

Reason: To ensure adequate green infrastructure in accordance with paragraphs 91 and 96 of the NPPF.

### **Ground levels**

14. Each reserved matters application shall be accompanied by a survey of the existing ground levels and a plan of the proposed ground levels. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development, in accordance with Policy ENV2 of the City of York Publication Draft Local Plan and considering matters such as amenity, visual impact and flood risk.

**Construction Management (public protection & highways measures)  
(prior to commencement condition)**

15. Prior to commencement of development a Construction Environmental Management Plan for the relevant phase or sub phase (including a building) shall be approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the relevant construction period.

The plan shall include:

- Condition (dilapidation) survey of the highways to be jointly undertaken with the Council and the results to be agreed in writing with the Local Planning Authority.
- Arrangements for parking of vehicles for site operatives and visitors.
- Storage areas for plant and materials used in the construction of the development
- The location of site compounds.
- Details of wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type.
- Suitable road sweeping measures.
- A programme of works including phasing, and measures for the control of (construction) traffic to and from the site, and within the site, during construction (note that traffic associated with construction should avoid access from Kingsland Terrace where practical, to avoid impact on residential amenity).
- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- Dust
- A site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment (a Dust Management Plan). Mitigation measures may include, but would not be restricted to, appropriate measures to ensure dust generated by the development does not travel beyond the site boundary, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of

intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust.

- Air Quality

The air quality impacts associated with construction vehicles and non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.

- Noise

Details on hours of construction, deliveries, types of machinery to be used, noise mitigation and details of any monitoring and compliance with relevant standards.

- Vibration

Details on any activities which may result 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 mitigation.

- Lighting

Details on artificial lighting and measures which will be used to minimise impact, such as restrictions in hours of operation, the location and angling of lighting.

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the City of York Publication Draft Local Plan.

## Design

## Materials

16. Prior to the commencement of each phase or sub-phase (including a building), samples of materials to be used for the external envelope of the buildings within the relevant phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority.

Where brickwork is proposed sample panels of the brickwork to be used 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. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason To safeguard the character and visual amenities of the site and wider area, in accordance with Policies SS4 and D1 of the City of York Publication Draft Local Plan and Paragraph 127 of the NPPF.

### **Details of Boundary Treatment**

17. No development other than enabling works of any phase, sub-phase or building shall take place until details of the position, design, materials and type of all permanent boundary treatment for that phase, sub-phase or building have been submitted to and approved in writing by the Local Planning Authority. Such walls and fences shall be erected in accordance with the approved details before the phase, sub-phase or buildings to which they relate are occupied.

Reason To safeguard the character and visual amenities of the site and wider area, in accordance with Policies SS4 and D1 of the City of York Publication Draft Local Plan and Paragraph 127 of the NPPF.

### **Details of Waste Storage**

18. No development other than enabling works of any phase, sub-phase or building shall take place until a scheme detailing the method of storage and disposal of litter and waste materials for that phase, sub-phase or building has been submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided including, where appropriate, lockable containers. The approved scheme shall be implemented before that phase, sub-phase or building is brought into use and no waste or litter shall be stored or disposed of other than in accordance with the approved scheme.

Reason To safeguard the character and visual amenities of the site and wider area, in accordance with Policies SS4 and D1 of the City of York Publication Draft Local Plan and Paragraph 127 of the NPPF.

### **Secure by Design**

19. Prior to the commencement of each phase or sub-phase (including a building), details of general security measures for that phase or sub-phase (including a building) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appropriate security measures are in place, to create a safe environment for all by reducing the opportunities for crime and anti social



behaviour in accordance with Policy D1 of the City of York Publication Draft Local Plan and Paragraph 91(b) of the NPPF.

INFORMATIVE: Secure by design measures shall cover, but shall not be restricted to -

- CCTV
- Security Lighting
- Location, access and design of post-boxes, utility meters and entry systems
- Details of shuttering to any opening
- Details of secure refuse storage and home composting facilities
- Communal areas
- Boundary treatments
- Secure vehicle and cycle parking

### **Daylight / Sunlight Assessment**

20. Any Reserved Matters Application including design shall include an assessment of the daylight and sunlight conditions for the existing and proposed residential dwellings on and around the application site. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The detailed design of any buildings on individual plots shall then incorporate mitigation measures recommended by the assessment.

Reason: In the interests of good design and residential amenity, in accordance with paragraph 127 of the NPPF.

### **Wind Assessment**

21. Any Reserved Matters Application including design shall include an assessment of the wind conditions on and around the application site. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall explain the subsequent detailed design, along with any necessary mitigation of any relevant buildings as a consequence of the assessment, in the interests of safety and to provide a comfortable environment for future users.

Reason: In the interests of good design, to avoid hazards from wind and to ensure an attractive, comfortable and safe public realm.

### **Lighting (light pollution)**

22. Any Reserved Matters Application including design shall include a strategy for lighting of external/public areas (including play space and any sports facilities). The strategy shall be submitted to and approved in writing by the Local Planning

Authority and the development shall be carried out in accordance with the approved details.

The strategy shall explain how artificial lighting to the development would conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for the relevant Environmental Zones, as detailed in the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

Reason: In the interests of good design and amenity and to avoid light pollution in accordance with the NPPF, in particular paragraphs 127 and 180.

## **Landscaping**

### **Landscaping (site wide strategy)**

23. Prior to, or concurrently with the first reserved matters application a site wide strategy for public realm, hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall include, but is not limited to -

- Street types
- Street furniture
- Way-finding
- Surfacing materials for roads and pavements
- Public lighting
- Public art

Each reserved matters application for a building, phase or sub-phase of the development, shall be accompanied by a compliance statement explaining how that phase, or sub-phase (including a building) accords with the approved strategy.

Reason: In the interests of good design, to ensure an adequate and cohesive vision for development which will come forward in phases and potentially by multiple developers.

### **Landscaping (phase specific)**

24. No development other than enabling works of each phase, sub-phase or building shall commence until a detailed scheme for hard and soft landscaping including open space and children's play facilities to serve that phase, sub-phase or building has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The details of landscaping shall include, but not be limited to, the following:

- The location and crown spread of all existing trees and hedges to be retained (in a solid line) or removed (in a dashed line) in accordance with the information in the Arboricultural Report (JCA report 14179/ChC), including neighbouring trees adjacent to the site boundary.
- Proposed earthworks including existing and proposed site contours, and spot heights.
- Locations of utility routes, in particular in relation to tree planting, such as surface/foul water drainage, street lights, underground water attenuation, electricity, water, telecommunications.
- Species, stock size, density (spacing), and position of trees, shrubs, hedging, bulbs and other plants; and seed mix, sowing rate, and mowing regimes.
- Details and specifications of ground preparation, tree pits/trenches, soil cells, means of support, protection and watering.
- Timing and phasing of planting.
- Layout of equipped areas of play and details and specifications of all outdoor play equipment and safety surfacing (following the principles established in section 3.5 of the approved Design Code).
- Layout and details of the fitness trail where applicable.
- Location and details of public art, where applicable.
- Details of all proposed hard landscape works, including retaining walls, steps, ramps, paving materials, and other hard surfacing and landscape features.
- Locations and detailed design of street furniture.
- Locations and details of all proposed boundary treatments such as fencing, railing, hedging, walls, gates, or other means of enclosure, including means of preventing trespass onto railway land. The boundaries of ownership and responsibilities for landscape maintenance following completion, sales and/or hand over should be clear from the landscape scheme.
- Locations of utility routes, in particular in relation to tree planting, such as surface/foul water drainage, street lights, underground water attenuation, electricity, water, telecommunications.
- A detailed landscape maintenance schedule for the establishment and management of the various soft landscape types.

The approved scheme shall be implemented within a period of six months of the completion of the relevant phase.

Any trees or plants which within a period of 5 years from the substantial completion of the planting and development phase, 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 otherwise agreed in writing by the Local Planning Authority. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character

and appearance of the area, in accordance with City of York Publication Draft Local Plan policies SS4, D1 and D2.

## **Tree Protection**

25. Prior to the commencement of any phase or sub phase (including a building) of the development (including demolition), an Arboricultural Method Statement (AMS) including a Tree Protection Plan and a schedule of tree works, associated with that phase or sub-phase, regarding protection measures for the existing trees shown to be retained on the approved drawings, including any adjacent trees close to the site boundary, shall be submitted to, and approved in writing by the Local Planning Authority. The documents shall be in accordance with BS5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'.

This statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, ground protection, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of any site compound and marketing suite. The statement shall also include methodology and construction details and existing and proposed levels where a change in surface material and/or boundary treatments is proposed within the root protection area of existing, retained trees.

The development shall be carried out in accordance with the approved AMS; and a copy of the statement will be available for inspection on site at all times.

Reason: To prevent damage to trees during construction works, in accordance with Policy GI4 of the City of York Publication Draft Local Plan.

## **Ecology**

### **European Protected Species Licence (Bats)**

26. The demolition of the Smith's Shop building (located at the end of Carleton Street), including any pre-demolition works to the roof, shall not commence unless the local planning authority has been provided with either:

- a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To avoid harm to, and maintain the favourable conservation status of a European Protected Species.

## **Nesting Birds**

27. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures (not including removal of rail tracks) that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.

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

## **Requirement for up to date ecological surveys**

28. Application(s) for reserved matters for any phase or sub phase (including a building) of the development shall include an up to date (no more than 2 years old) Preliminary Ecological Appraisal and any further necessary habitat or species surveys as recommended by the appraisal.

Reason: To ensure baseline ecological information and any associated mitigation is up to date and relevant, particularly where there might have been changes in the distribution or abundance of mobile species on site.

## **Invasive Non-Native Species Measures**

29. Should any invasive species, as identified under the Wildlife and Countryside Act 1981, be identified on-site, an invasive non-native species protocol shall be submitted to and approved in writing by the Local Planning Authority. The protocol will detail the containment, control and removal of the invasive non-native species and the measures shall be carried out in accordance with the approved scheme.

Reason: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce plant or cause to grow wild any plant listed on Schedule 9 Part 2 of the Act" and prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

## **Biodiversity Enhancement**

30. Each reserved matters application other than for the Primary Vehicle Route (as defined by parameter plan YC-PP 006: Access and Circulation Routes) shall

provide details of measures to be provided within each building, phase or sub-phase of development, as appropriate, for the creation of new wildlife features to secure net gains for biodiversity. These will include:

- bat roost, bee bricks and bird nesting features within new buildings and structures,
- native species rich landscaping scheme, and
- incorporation of areas of 'open mosaic habitat on previously developed land'. Features suitable for this habitat include green/brown bio-diverse roofs.

Details shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In accordance with Paragraph 175 of the NPPF (2018) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

### **Landscape and Ecological Management Plan**

31. A landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the local planning authority prior to, or concurrently with, the first reserved matters application.

The content of the LEMP shall include the following –

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organization responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In accordance with Paragraph 175 of the NPPF (2018) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

## **Housing**

### **Housing mix**

32. No later than the submission of the first reserved matters application which includes residential dwellings, a Site Wide Housing Mix Strategy for the proposed mix of dwellings (defined by number of bedrooms) shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved Strategy, or any such strategy subsequently approved by the Local Planning Authority.

Each reserved matters application relating to a phase or sub-phase (including a building) for residential development shall include a schedule of the mix of dwellings proposed within that phase, or sub-phase (including a building) and explain how this relates to the amount and mix of housing approved for the overall development.

Reason: To create a sustainable new community with a range of dwelling size, which contribute towards meeting need, as identified in the local Strategic Housing Market Assessment(s), in accordance with section 5 of the NPPF and City of York Publication Draft Local Plan policies SS4 and H3.

### **Self-build**

33. At least 5% of the dwellings at the development hereby permitted shall be made available for sale as self-build or custom build (as defined in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)).

Prior to, or at the time of submission of the first reserved matters application, which includes residential development, the location of the dwellings/plots shall be submitted to and approved by the Local Planning Authority.

Within each relevant reserved matters application the location of the dwellings/plots, sale price (which shall be fairly related to the associated site/plot costs), specification (which shall include serviced plots, as defined in National Planning Guidance), means of marketing, and timeframe for delivery shall be submitted to and approved by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Where dwellings/plots have been appropriately marketed for at least 12 months, in accordance with the approved details, and have not sold, the relevant plots may be built out as conventional plots for market housing by the developer.

Reason: To provide housing in accordance with locally identified need, in accordance with NPPF section 6 and City of York Publication Draft Local Plan policy H4: Promoting self build and custom housing.

### **Accessible dwellings**

34. At least 10% of the dwellings shall be provided to Wheelchair Adaptable/Wheelchair Accessible Standards and such provision shall be provided across a mix of bed-sizes and tenures within each phase of the development. The details of such provision shall be submitted as part of any reserved matters application for residential development. The Wheelchair Accessible/Wheelchair Adaptable dwellings shall be provided prior to the first occupation of the dwellings within that phase or sub-phase (including a building) within which the wheelchair dwellings are located.

Reason: To ensure the provision of wheelchair accessible housing in a timely fashion that would address housing need, produce a sustainable mix of accommodation and provide appropriate choices and housing opportunities for wheelchair users and their families in accordance with Policies DP3 and H3 of the City of York Publication Draft Local Plan and Paragraph 61 of the NPPF.

### **Healthcare**

35. Prior to the occupation of the 750th residential dwelling, appropriate space for a primary care facility for up to 4 general practitioners (including waiting areas, practice rooms and other necessary associated facilities) shall be made available within the site unless otherwise agreed in writing with the Local Planning Authority.

The facility shall be provided in accordance with details which shall have been agreed with the local Clinical Commissioning Group (or subsequent competent authority) and approved in writing by the Local Planning Authority.

Reason: to provide adequate facilities to cater for need arising from the development, in accordance with policy HW5: Healthcare Services of the City of York Publication Draft Local Plan.

### **Older persons specialist housing**

36. Prior to the occupation of the 1,000th residential dwelling, specialist housing to provide for the needs of older people, comprising at least 50 residential units for



independent living and 70 residential units for extra care shall have been provided on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide housing in accordance with locally identified need, in accordance with NPPF section 6 and City of York Publication Draft Local Plan policy H9: Older People's Specialist Housing.

## Transport & Highways

### Travel Plans

37. The development shall be carried out in adherence with the Framework Travel Plan Revision A dated 21 January 2019. Each reserved matters application for any building, phase and sub-phase shall include a development specific Travel Plan, which shall be approved in writing by the Local Planning Authority prior to first occupation of the relevant phase. Development shall be carried out in accordance with the approved details.

Reason: In order to achieve the agreed targets for achieving sustainable travel, in accordance with paragraphs 109, 110, 111 of the NPPF

### Number of vehicle trips associated with the development

38. If, in light of monitoring required in accordance with the Framework Travel Plan, the number of vehicle trips made to and from the approved development exceed the Target (30% reduction) specified in Table 13 of the Framework Travel Plan (and reproduced in Table 1 below), no part of the development that is not already occupied at that point shall be occupied until either additional measures designed to reduce said trips have been proposed, agreed and included within all relevant Travel Plans operating on the site, and / or supplementary information has been provided to demonstrate to the satisfaction of the Local Planning Authority (in consultation with Highways England) that trips over and above those specified in Table 1 can be satisfactorily accommodated on the highway network.

Table 1: Threshold Levels of Trips During Peak Periods

	<i>Residential</i>	<i>Office</i>	<i>Hotel</i>	<i>Total</i>	<i>Target (30% reduction)</i>
<i>AM Peak two- way trips</i>	555	439	82	1076	753
<i>PM Peak two- way trips</i>	735	413	67	1215	850

Reason: To promote sustainable travel and to prevent significant impacts on the highway network in accordance with paragraph 108 of the NPPF.

### **Western Access**

39. The reserved matters application for the Primary Vehicle Route (as shown on Parameter Plan YC-PP 006: Access and Circulation Routes) which includes the western access from Water End shall include the following details:

- The provision of a new signal controlled junction
- Controlled crossings for pedestrians and cyclists on Water End and the new access road
- The provision on Water End for three traffic lanes of a minimum dimension of 3.0m (unless otherwise agreed)
- The provision of improved facilities for cyclists and pedestrians of adequate width.
- Segregated two way cycle paths which are a minimum 3.5m width

Reason: To ensure promotion of sustainable travel, and in the interests of operation of the highway network and in the interests of good design, in accordance with sections 9 and 12 of the NPPF.

### **Primary Access Road (bus lane provision)**

40. The reserved matters application(s), which include block F (as defined in the Parameter Plans), shall include details of provision for accommodating bus priority measures (inbound 3.5m wide bus lane). The details shall include landscaping to be installed in advance of installation of the bus lane.

These details shall be approved by the Local Planning Authority prior to the commencement of the relevant works and the development shall be carried out in accordance with the approved details.

Reason: In the interests of place-making and promoting sustainable travel, as the scheme will potentially require such provision to avoid bus journey delay at peak times (as detailed in the associated legal agreement).

### **Primary Access Road (Leeman Road Tunnel – Marble Arch – Station Avenue site access)**

41. The Primary Vehicle Route where it would pass through Leeman Road Tunnel and Station Avenue to its junction with Station Road, shall include the following elements -

- A single traffic lane which will operate under traffic signal control.
- Signal controls at both ends of the main tunnel together with controlled crossing facilities for pedestrians and cyclists.
- A two way cycle path within the tunnel and continuing east to War Memorial Gardens.
- The widening of the footway (on the south-western side of Station Rise/adjacent to the Principal Hotel) to a minimum of 2m at point.

Reason: To ensure promotion of sustainable travel, and in the interests of operation of the highway network and in the interests of good design, in accordance with sections 9 and 12 of the NPPF.

### **Wilton Rise – Chancery Rise**

42. Prior to the first occupation of any development in development zones B, C, D, E, and F a scheme for the pedestrian and cycle link between the access and circulation routes within York Central site and Holgate Road (either via Wilton Rise or Chancery Rise as annotated as options 3a and 3b on parameter plan YC-PP 006 Access and Circulation Routes) shall be approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

Public access to the facility shall be provided at all times.

The details shall include -

- the alignment of the route;
- provision of segregated cycle routes where appropriate;
- the bridge with a minimum width of 4m and maximum gradients of 5% at any point (unless otherwise agreed);
- materials and finishes (including enhancements) of surfaces;
- lighting details;
- landscaping;
- drainage;
- details of any other physical infrastructure necessary for the delivery of the scheme.

Reason: To ensure promotion of sustainable travel, and in the interests of operation of the highway network and in the interests of good design, in accordance with sections 9 and 12 of the NPPF.

### **Railway Station Access**

43. Prior first occupation or first use of any development in zones B, C, D, E, and F (unless otherwise approved in writing by the Local Planning Authority) details of

inclusive access into the railway station, which will connect into the inclusive access and circulation routes within York Central and the railway station, shall be approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure promotion of sustainable travel, and in the interests of operation of the highway network and in the interests of good design, in accordance with sections 9 and 12 of the NPPF.

### **Cycle Hub**

44. Prior first occupation or first use of any development in zones B, C, D, E and F details of the cycle hub, which shall include the timeframe for delivery, shall be approved by the Local Planning Authority.

The details shall include covered and secure cycle parking provision for a minimum of 300 cycles, luggage storage, w.c., showering and changing facilities.

The development shall be carried out in accordance with the approved details.

Reason: To ensure promotion of sustainable travel, and in the interests of operation of the highway network and in the interests of good design, in accordance with sections 9 and 12 of the NPPF.

### **Public Access through NRM**

45. Any extension of the National Railway Museum within Development Zone G shall maintain pedestrian access between Leeman Road (i.e. the secondary transport route / Foundry Quarter to the west) and the New Square (Museum Gateway / Station Quarter) to the east. The access shall be available for public use at all times when the NRM is open to the public.

Reason: To encourage sustainable travel in accordance with section 9 of the NPPF.

### **Public Transport Infrastructure**

46. Prior to, or at the same time as, the first reserved matters application details of public transport infrastructure, including the timing of delivery, shall be submitted for approval to the Local Planning Authority. Details shall include, but will not be limited to the following information:

- Location of proposed Bus Stops and lay-by facilities
- Details of bus turning facilities at the station
- Location of taxi collection / drop off

- Details of Bus Stop facilities
- Measures to give public transport priority over private vehicles

The development shall be carried out in accordance with the approved details.

Reason: To promote and facilitate sustainable modes of travel, in accordance with Policies T2 and T3 of the City of York Publication Draft Local Plan and Section 9 of the NPPF

### **Multi Storey Car Park Management**

47. Prior to the first use of any multi-storey car park a Car Parking Management Strategy for the relevant facility shall be approved in writing by the Local Planning Authority. The facility shall be operated in accordance with the approved strategy.

The Strategy shall include details of:

- the maximum duration of stay for all users
- the number of parking spaces per user type
- details of pricing

Reason: To manage the car parking demand across the development and encourage modal shift to more sustainable forms of transport in accordance with Policy T8 of the City of York Publication Draft Local Plan and Section 9 of the NPPF, whilst ensuring car parking does not dominate the street scene or other public spaces.

### **Site wide parking management**

48. Prior to first occupation or use of the development a strategy to regulate and manage vehicle parking within the development shall be submitted to and approved by the Local Planning Authority.

The strategy shall include proposals to regulate and manage the parking, stopping and waiting of motor traffic; this shall include for a phased implementation of regulations, to be consistent with the delivery of new and/or modified adopted highway infrastructure.

Each reserved matters application for a phase, sub-phase or building shall include a site specific strategy which shall be approved in writing by the Local Planning Authority prior to commencement of the relevant phase, sub-phase or building and the development carried out in accordance with the approved details.

Reason to promote sustainable travel and in the interests of highway safety and visual amenity, in accordance with sections 9 and 12 of the NPPF.

## **Site wide vehicle servicing strategy**

49. Prior to first occupation or use of the development a strategy for servicing (for delivery vehicles, waste collection and similar operations) within the development shall be submitted to and approved by the Local Planning Authority.

Each reserved matters application for a phase, sub-phase or building shall include a site specific servicing strategy which shall be approved in writing by the Local Planning Authority prior to commencement of the relevant phase, sub-phase or building and the development carried out in accordance with the approved details.

Reason: In the interests of good design, place-making and highway safety.

## **Sustainable Design & Construction**

### **Sustainability strategy**

50. Each reserved matters application for any phase and sub-phase (including a building) shall incorporate sustainability measures relating to energy, water and waste in accordance with the framework set out in the Sustainability Statement (reference: YCL-ARP-ZZ-XX-RP-TX-0011 dated August 2018) or any subsequent Sustainability Statement approved in writing by the Local Planning Authority.

Also all new residential buildings shall achieve:

- At least a 19% reduction in Dwelling Emission Rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations 2013).
- A water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Each reserved matters application for any phase and sub-phase (including a building) shall include a statement explaining how the scheme will achieve the aforementioned sustainability measures. The statement shall be approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To provide a mechanism to update the sustainability analysis at reserved matters stage to enable firm proposals to come forward and be assessed to ensure the York Central scheme is an exemplar development in terms of sustainability in accordance with Policy CC1 and CC2 of the City of York Publication Draft Local Plan and Section 14 of the NPPF.

## **BREEAM**

51. No phase or sub-phase (including a building) of the development which includes non-residential uses shall commence until a Design Stage Pre-Assessment Report showing that phase or sub phase (including a building) will achieve at least a BREEAM rating of 'Excellent' has been submitted to and approved in writing by the Local Planning Authority.

Within six months of completion of each phase or sub-phase (including a building) of the development hereby approved a Building Research Establishment issued Post Construction Review Certificate confirming that the phase or sub-phase (including a building) as a whole has achieved the BREEAM rating set out in the Design Stage Pre-Assessment Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is delivered, in accordance with policy CC2 of the City of York Publication Draft Local Plan and Section 14 of the NPPF.

## **Electric Vehicle facilities**

52. A strategy for providing electric vehicle charging facilities for each phase or sub-phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant phase and the development shall be carried out in accordance with the approved details.

The strategy shall demonstrate each residential dwelling with dedicated off-street parking would incorporate a suitably rated electrical socket (IEC 62196 – minimum rated output of 3.7kW/16A) to allow charging of an electric vehicle. At least 2% of all on street and commercial parking shall be for the exclusive use of electric vehicles.

The approved facilities for electric vehicle charging points shall be provided prior to first occupation of any building within that phase or sub-phase and shall be appropriately maintained.

Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy ENV1 of the City of York Publication Draft Local Plan and Paragraph 110 of the NPPF.

## **Emission Mitigation Statement**

53. Prior to or at the same time as submission of the first reserved matters application an emission mitigation statement shall be submitted to the Local Planning Authority.

The statement shall include a review of the existing damage cost calculation undertaken in relation to the operation of the site. It shall be prepared in accordance with City of York Council's Low Emission Planning Guidance and shall detail the emission mitigation measures proposed for the site. An estimate shall be made of the impact that any proposed mitigation measures will have on emissions (i.e. mitigated mass of pollutant) and the financial costs of the mitigation measure to the developer.

The statement shall confirm the timeframe and any phasing of the proposed mitigation, and detail of any 'residual' emissions and damage costs likely to remain after all proposed mitigation measures have been applied. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the emissions mitigation proposed for a site is reasonable and proportionate to the emissions harm generated by the site in accordance with Policy ENV1 of the City of York Publication Draft Local Plan.

INFORMATIVE: The damage costs shall be calculated for a 5 year period in line with local guidance. This currently requires the use of DEFRA's latest Emissions Factor Toolkit (to estimate emissions) and IGCB's (Interdepartmental Group on Costs and Benefits) Air Quality Damage Costs for the specific pollutants of interest (it is noted that the five year total cost of mitigation has been calculated and agreed as £3,242,076; this figure may be adjusted when the exact amount of development is fixed).

## **Employment and Training**

54. No development (with the exception of enabling works) shall commence until a detailed employment, skills and training method statement has been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved employment, skills and training method statement and be on an open book monitoring basis.

The employment, skills and training method statement shall include (but not limited to) details of the following:-

- Measures relating to the construction phase of the development;
- A skills and employment plan, outlining opportunities for unemployed York residents in the construction phases of the development, including links to Work Clubs, Job Centre Plus and other stakeholders and groups;
- Target for on-site work experience and apprenticeship opportunities for York residents;
- Details of how the Developer and its contractors shall co-ordinate with the Council, Job Centre Plus and all other local partners to develop a partnership



approach to incorporate pre-recruitment and work placement opportunities;

- Details of how the Developer will work with subsequent end users ensuring they engage with local partners to offer employment and training opportunities to unemployed residents.
- Initiatives to build community linkages, particularly in defined Priority Areas e.g. curriculum development activities with local school;
- Appropriate measures to encourage employment opportunities for local people
- An acknowledgement that the Developer shall have the final decision as to who is recruited for any job vacancy arising from the Development as long as it is in accordance with the approved statement and all recruitment information has been submitted to the Local Planning Authority on an open book basis.

Reason: In the interests of ensuring the maximisation of local employment and training opportunities in accordance with Policies SS1 and SS4 of the City of York Publication Draft Local Plan and paragraph 8 of the NPPF.

## **Land Contamination**

### **Site Investigation (prior to commencement)**

55. Prior to commencement of development, 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 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:

- A survey of the extent, scale and nature of contamination (including ground gases where appropriate).
- 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;
- an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: This condition is required prior to commencement, taking into account paragraph 54, 55 and 56 of the NPPF 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.

### **Submission of a Remediation Scheme**

56. Prior to commencement of construction 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 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.

### **Verification of Remedial Works**

57. Prior to first occupation or use of the relevant phase or sub-phase (including a building) 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.

### **Reporting of Unexpected Contamination**

58. In the event that unexpected 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, 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.

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.

### **Importing of soils**

59. Prior to the importation of any subsoil and/or topsoil materials onto the proposed development site, the material shall be sampled and subject to laboratory analysis to confirm the suitability of the proposed material to ensure it shall not pose a risk to human health under Part 11A of the Environmental Protection Act 1990 and the results submitted to and approved in writing by the Local Planning Authority.

Reason: To confirm before work commences on site that imported sub and/or topsoil will be protective of human health and the environment in the interests of residential amenity in accordance with Policy ENV3 of the City of York Publication Draft Local Plan and Paragraph 179 of the NPPF.

### **Unexploded Ordnance**

60. No development shall commence until full details of a scheme to assess the site for unexploded ordnance with remedial measures have been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

Reason: In the interests of public health and safety.

### **Piling & impact on groundwater**

61. Prior to any piling using penetrative methods, a method statement of such works shall be approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed activity does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework. (Environment Agency requirement)

### **Amenity**

### **Noise within dwellings**

62. Prior to development of any phase or sub-phase (including a building) which proposes residential dwellings, a detailed scheme of noise insulation measures for protecting dwellings from externally generated, non-construction related noise shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with adequate means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

## **Vibration**

63. Prior to development of any phase or sub-phase (including a building) which proposes residential dwellings a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all relevant residential buildings are designed and constructed so as to ensure that vibration generated by non-construction related activity does not exceed the following dose values (VDV) limits -

VDV daytime (07:00 – 23:00) (m.s-1.75) - 0.4

VDV night time (23:00 – 07:00) (m.s-1.75) – 0.26

As calculated in accordance with BS 6472: 1992, entitled 'Guide to Evaluation of Human Exposure to Vibration in Buildings' [1 Hz to 80 Hz].

The dwellings shall be constructed in accordance with the approved scheme and maintained throughout the life of the approved development.

Reason: In the interests of the amenities of nearby residents, in accordance with Policy ENV2 of the City of York Publication Draft Local Plan.

### **INFORMATIVE:**

- Vibration values should be determined at the worst location on a normally loaded floor (usually the centre of the floor).
- Account should be made for potential amplification of vibration at upper floors

- It is expected that detailed design will be informed by additional detailed vibration surveys, which take account of decommissioning of the Freightliner Depot and some other existing buildings.

### **Noise from plant and machinery**

64. Details of all machinery, plant and equipment to be installed in or located on any non-residential premises, which is audible outside of those premises, shall be submitted to the local planning authority for approval prior to installation. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

### **Heritage Assets**

#### **Recording of buildings prior to demolition**

65. Buildings, which in the schedule in table 8.15 – “Design responses to built heritage assets” of the Environmental Statement are recommended to be recorded prior to demolition shall be recorded (to Historic England Guide to Good Recording Practice Level 1 but shall include the interior to note any significant features) prior to demolition of the relevant building. The recordings shall be submitted to the Council in order to be placed on the local Historic Environment Record.

Reason: In order that a historical record of the listed building is kept, to record and enhance our understanding of heritage assets, in accordance with paragraph 197 and 199 of the National Planning Policy Framework.

### **Archaeology: Geoarchaeological Deposit Model**

66. Prior to determination of the first reserved matters application a detailed statement for the Geoarchaeological Deposit Model that sets out procedures and funding for regular updating and maintaining the model and making the model publicly available through City of York Council Historic Environment Record shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To allow for appropriate understanding of the significance of archaeology in accordance with NPPF paragraph 189 and to allow for adequate mitigation,

taking into consideration paragraphs 193 to 199 of the framework as the Geoarchaeological Deposit Model is an important part of the evidence base that will support future applications for approval of details on this site.

### **Archaeology: Waterlogged deposits**

67. Prior to determination of the first reserved matters application a detailed statement that describes a programme of waterlogged and organic deposit characterisation and monitoring shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The programme shall follow Historic England guidance (October 2016) and set out details of funding for the programme and deposition of data with City of York Council Historic Environment Record.

Reason: To allow for appropriate understanding of the significance of archaeology in accordance with NPPF paragraph 189 and to allow for adequate mitigation, taking into consideration paragraphs 193 to 199 of the framework as the site contains important waterlogged and organic deposits that must be monitored over the lifetime of the implementation of the proposed development

### **Archaeology: ARMP**

68. As part of any Reserved Matters Application for the design of each phase, or sub-phase (including a building) a detailed Archaeological Remains Plan for the relevant part of the development site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The evaluation and mitigation measures (within each plan) shall be developed and implemented in accordance with the Archaeological Remains Management Plan detailed in the York Central Environmental Statement Volume 3 Appendix 8H Archaeological Remains Management Plan January 2019 Revision A.

Reason: The site contains archaeological features and deposits that must be subject to detailed evaluation prior to approval of details. The ARMP plan sets out a set of procedures that must be followed so that the information can be used to ensure either preservation in-situ of undesignated nationally significant deposits or provide for excavation, analysis, publication, archive deposition and public engagement.

### **Archaeology - Basements**

69. As part of any Reserved Matters Application for the design of each phase, or sub-phase (including a building) precise details of the extent, location and acceptability of basement areas and details of mitigation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The extent of basements will be contingent on the information on the significances of archaeological deposits that will be provided through the detailed evaluation procedures set out in the detailed Archaeological Remains Plan.

Reason: To allow for appropriate understanding of the significance of archaeology in accordance with NPPF paragraph 189 and to allow for adequate mitigation, taking into consideration paragraphs 193 to 199 of the framework.

### **Archaeology – excavation – Written Scheme of Investigation**

70. Where preservation of archaeology in-situ is not appropriate and where excavation is the recommended mitigation measure, a detailed written scheme of investigation that sets out details and funding for excavation, post-excavation analysis, publication, archive deposition and public engagement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To allow for appropriate understanding of the significance of archaeology in accordance with NPPF paragraph 189 and to allow for adequate mitigation, taking into consideration paragraphs 193 to 199 of the framework.

### **Archaeology – excavation – reporting and archiving of Written Scheme of Investigation**

71. Where archaeological excavation takes place, no part of the development covered by the relevant application shall be occupied until the applicant has (a) submitted to the local planning authority and City of York Historic Environment Record and secure approval in writing from the local planning authority a report on the archaeological excavation and (b) provided details of acceptance of excavation and post excavation archive by either York Museums Trust or York Archaeological Trust.

Reason: To allow for appropriate understanding of the significance of archaeology in accordance with NPPF paragraph 189 and to allow for adequate mitigation, taking into consideration paragraphs 193 to 199 of the framework.

## **Flood Risk & Drainage**

### **Site Specific Flood Risk Assessment**

Application Reference Number: 18/01884/OUTM

Item No: 4a

72. Any reserved matters application with development in either Flood Zone 2 or 3 shall include a site specific flood risk assessment which shall be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure future occupants are reasonably safe from flood risk, in accordance with NPPF, in particular paragraph 163.

### **Flood Water compensatory storage**

73. Prior to construction of the Primary Vehicle Route details of compensatory flood water storage, for any loss of flood storage within flood zone 3 for the 1:100 year plus climate change flood event, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent increased flood risk elsewhere as a consequence of the development in accordance with NPPF paragraphs 155 and 163.

### **Surface water discharge to Holgate Beck**

74. Prior to any surface water discharge into Holgate Beck the existing surface water discharge shall first be proven and agreed to by the Local Planning Authority. Surface water may then be discharged at a rate of 70% of the existing proven area that drains to Holgate Beck.

Reason: To prevent increased flood risk elsewhere as a consequence of the development in accordance with NPPF paragraphs 155 and 163.

### **Surface water run-off from car parking areas**

75. Surface water run-off from any car parking area (s) comprising more than 49 spaces and any service yards must pass through an oil , petrol and grit interceptor/separator designed and constructed to have a capacity and details compatible with the sit being drained, prior to any discharge to an existing or prospectively adoptable sewer. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network.

### **Separate Drainage systems**



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

Reason: In the interest of satisfactory and sustainable drainage.

### **Surface water drainage works**

77. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- evidence to demonstrate that surface water disposal via infiltration or watercourse is not reasonably practical;
- evidence of existing positive drainage to public sewer and the current points of connection; and
- the means of restricting the discharge to public sewer to a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker but based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

### **Foul sewerage**

78. No occupation of any phase, sub-phase or building of the development shall commence until details of on-site and off-site foul water sewerage for that phase, sub-phase or building has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme and the number of properties to be constructed within that phase, sub-phase or building.

Reason: To ensure the site can be properly drained without risk of flooding /pollution to the local aquatic environment, public health and public amenity.

### **Drainage system maintenance**

79. Each phase of drainage works shall include details of the proposed means of access and management, for maintenance and repair work of the proposed watercourses, swales, ditches, surface water attenuation features and drainage systems. The details shall include appropriate landscaping within areas required for maintenance.

The details shall be approved in writing by the LPA prior to commencement of the relevant drainage works and the development shall be carried out in accordance with the approved details.

Reason: To allow sufficient access for maintenance and repair work at all times.

### **Protecting the public water supply mains**

80. Prior to any intrusive groundworks or tree-planting taking place, the means of protecting the public water supply mains located within the site boundary shall be submitted to and approved by the Local Planning Authority. No building or other obstruction including landscape features (including trees) shall be located over or within 5 metres either side of the centre line of the 6" (six inch) water. If the required stand-off distance is to be achieved via diversion or closure of the pipe(s), the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

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

### **Protecting the public sewerage**

81. Prior to any intrusive groundworks or tree-planting taking place, the means of protecting the public sewerage located within the site boundary shall be submitted to and approved by the Local Planning Authority. No trees shall be planted within 5 metres of any sewer located within the site. If the required stand-off distance is to be achieved via diversion or closure of the pipe (s), the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

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

### **Holgate Beck (easement)**

82. There is to be no built development (not including any highway structures, hard-standing or landscaping) over or within an 8m easement to either side of the Holgate Beck culvert unless otherwise approved by the Local Planning Authority.

Reason: To satisfy the requirements of the Environment Agency in relation to protecting access for maintenance works from impediment to the Holgate Beck

culvert in accordance with Policy ENV5 of the City of York Publication Draft Local Plan and Paragraph 165 of the NPPF.

## **INFORMATIVES**

### Yorkshire Water

There are public sewers crossing the sites, with various easement requirements, as established by Yorkshire Water. The developer(s) should note these requirements and legislation within the Water Industry Act if there is intent to divert any sewers.

### Environment Agency

#### Contaminated Materials

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

### Flood Risk Activity Permit

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Holgate Beck, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:

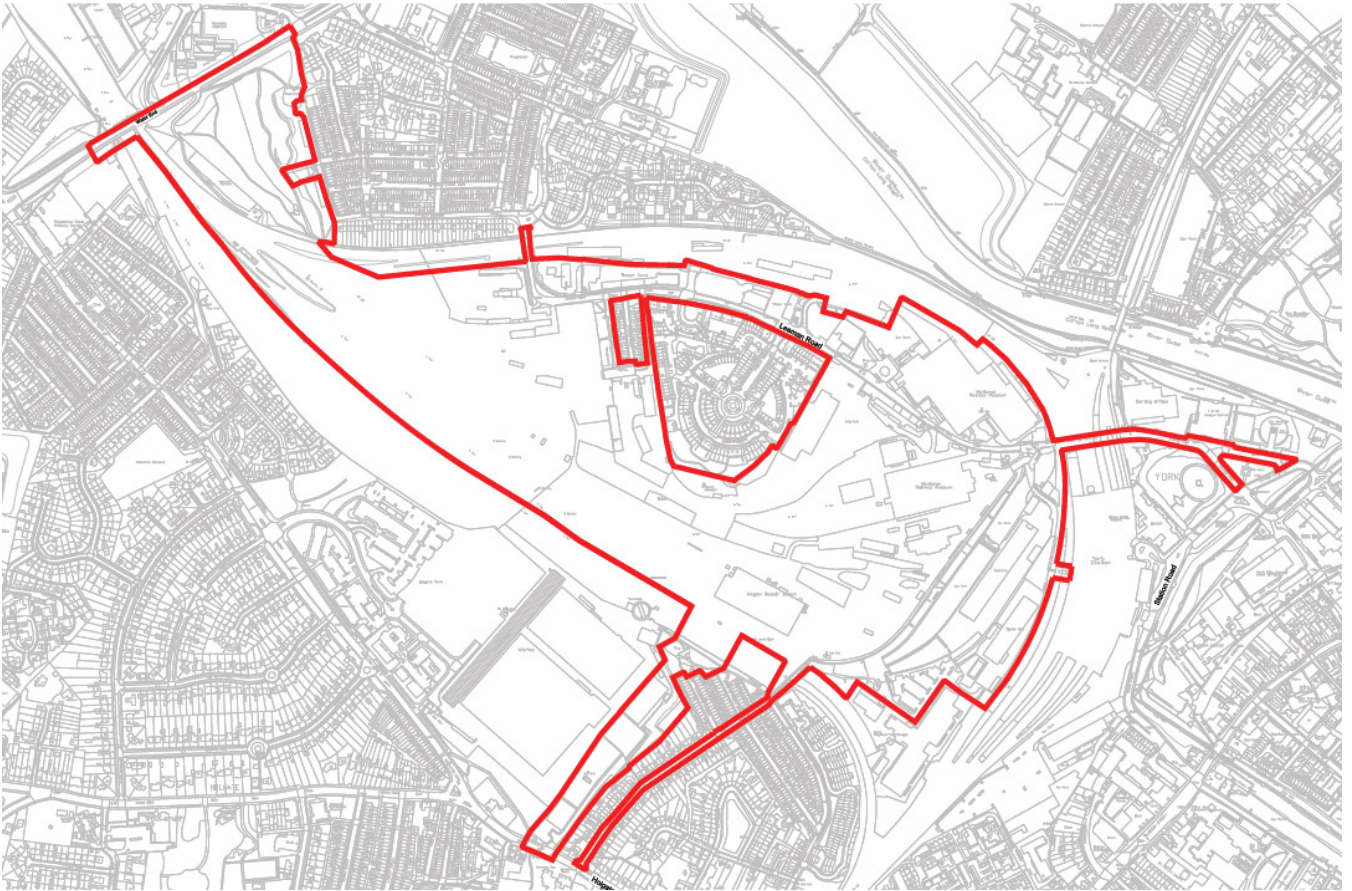
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

### **Contact details:**

Application Reference Number: 18/01884/OUTM

Item No: 4a

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<b>Organisation</b>	City of York Council
<b>Department</b>	Economy & Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	14 March 2019
<b>SLA Number</b>	

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