

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Guildhall
Date: 22 February 2007 **Parish:** Guildhall Planning Panel

Reference: 06/02384/REMM
Application at: Hungate Development Site Hungate York
For: Reserved matters application for Phase 1 - erection of 163 residential units including car parking, open space and landscaping - to which Planning permission 02/03741/OUT dated 18.07.06 relates (resubmission)
By: Hungate (York) Regeneration Ltd
Application Type: Major Reserved Matters Application (13w)
Target Date: 26 February 2007

1.0 PROPOSAL

THE SITE

1.1 This reserved matters application seeks approval for the details of design, external appearance and landscaping for phase one of the mixed use "Hungate" development. The principle for this mixed use development was established in the granting of outline planning permission in July 2006 (02/03741/OUT). The area known as Hungate is bounded by The Stonebow, Garden Place, the River Foss and the rear of the Peasholme Centre, the Black Swan Public House and the DEFRA offices at Kings Pool. The 4.1 hectare Hungate site lies on the edge of the business and retail core of the city centre, approximately 500 metres from Parliament Street. A large part of the site has now been cleared due to safety concerns over derelict buildings.

1.2 Whilst the site is not included within the Central Historic Core Conservation Area, it is located immediately adjacent to it, in a prominent location close to the medieval city walls, the River Foss and the St. Saviourgate / Aldwark housing area.

1.3 Phase 1, to which this application relates, comprises the eastern third of the development site with the Kings Pond Nature Reserve occupying the north easternmost part. The regional headquarters for DEFRA adjoins the north western boundary of Phase 1 with the River Foss running alongside its south eastern boundary.

THE OUTLINE APPROVAL

1.4 The outline approval for this mixed use development (issued July 2006), copies of which will be circulated at the Meeting, comprises residential (Use Class C3), shops (Use Class A1), food and drink uses (Use Class A3, A4, A5), business uses (Use Class B1), a focal/community building (incorporating class A1/A3/A4/A5/B1 and C3 uses), enhanced riverside and nature reserve, new public open space (including new urban square and riverside piazza) with associated landscaping, new and

modified accesses and pedestrian/cycle routes (including a new bridge to Navigation Road), car parking and sewer realignment.

1.5 The outline application included detailed consideration of the siting of buildings (except for the landmark office building and Block H) and means of access, excluding car and cycle parking routes. The excluded matters formed the basis of conditions requiring the submission and approval of details on a phased basis. The outline application also dealt with the reserved matters by way of standard conditions. Accordingly the illustrative plans within the Masterplan and drawings document, Design Statement and Landscape Design Guidelines and Design Code submitted with the outline application considered such principles and formed the basis for the conditions and the Section 106 Agreement.

1.6 The approved layout for the scheme retains the existing historic street pattern (consisting of Hungate, Dundas Street, Carmelite Street and Black Horse Lane), albeit enhanced by the creation of a major new public square (St. Johns Square), riverside Piazza (Friars Quay), pedestrian/cycle bridge and riverside walkway linked with an enhanced Nature Reserve.

1.7 The development consists of 11 blocks as follows;

- Blocks A, B and C comprise Phase 1, to which this application relates. Block A consists of 2 rectangular blocks adjacent to the Kings Pool Nature Reserve. Blocks B and C (both horseshoe shaped blocks) are sited to the west of Block A in order to provide informal courtyards/open space.
- Blocks D and E are similarly shaped and sized with internal courtyards/open space, and sited to the west of Blocks B and C
- The Focal/ Community building is sited to the west of Block E adjacent to the site's southern boundary with the River Foss
- Block F (and adjoining the multi storey car park) is sited parallel to the site's western boundary adjacent to the existing multi storey car park
- Blocks G and H are sited parallel to the site's boundary with The Stonebow and divided by Hungate
- The landmark office is sited to the north of Block D (to the rear of the hostel and the Black Swan Public House and the east of Dundas Street).

1.8 The Section 106 Agreement which accompanied the outline approval secured;

1. Affordable housing at 102 units (48 x 1 bed, 49 x 2 bed, 4 x 4 bed) for affordable rent together with 44 units (21 x 1 bed, 21 x 2 bed, 2 x 4 bed) discounted sale.
2. A phased programme of archaeological works to a total cost of £3.3 m.
3. A contribution towards local education provision of £954,306

4. A contribution towards off site public open space facilities of £403,131
5. Kings Pool Nature Reserve (upgrading/enhancement/maintenance)
6. Navigation Wharf Bridge
7. Off site highway works (Foss Basin MasterPlan) contribution totalling £1.654m
8. Funding for establishment of a car club totalling £112,000.
9. Provision of and £30,000 pump prime funding of cycle hire scheme on site
10. Provision of a voucher scheme entitling the first occupant of each residential unit to a 6 month First York Travel Pass.
11. Consideration of and provision for community uses on land and buildings within the site.
12. Commitment to incorporation of measures to ensure energy efficiency and waste and pollution minimisation in the demolition and construction phases and in the detailed design and features of the development and its operation.

THE PHASE 1 RESERVED MATTERS APPLICATION

1.9 This application is accompanied by the following supporting documentation: Design Statement, site remediation and methodology, noise report, Ecological Management Plan and flood risk assessment.

1.10 Phase 1 was chosen as the core residential area due to its proximity and key views out to the River Foss and nature reserve. This location was also able to provide underground car parking due to the levels and was of less interest archaeologically. As detailed above, Block A consists of 2 rectangular blocks adjacent to the Kings Pool Nature Reserve. Blocks B and C (both horseshoe shaped blocks) are sited to the west of Block A in order to provide informal courtyards/open space. The height of the residential buildings are mainly 3.5 and 4 storeys in height with 5 and 6 storey buildings at important corner junctions and 7 storey landmark feature "book ends" overlooking the nature reserve.

1.11 The outline application proposed the erection of 720 dwellings, of which 122 would be provided within phase 1 (blocks A, B & C). The proposed housing mix at outline stage for phase one was as follows:

12 no one beds flats
69 no two bed flats
6 no 3 bed flats
35 no four bed flats and houses
= 122 units

1.12 The reserved matters application currently under consideration proposes the following mix of units:

52 no one bed flats
67 no two bed houses
11 no three beds flats
33 no four bed houses
= 163 units

1.13 There is no objection to the proposed increase in the number of units in phase one, provided this does not lead to an increased number of units in the scheme overall. It is considered that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme.

1.14 However, the outline application was considered on the basis on 720 units, both in terms of its implications for housing supply and in order to calculate the s106 contributions for affordable housing, highways, education and leisure provision. The applicants have confirmed in writing that it is not their intention at this stage to exceed the 720 units approved on the site.

Amenity Space

1.15 The amenity space for future occupants of the residential units would consist of;

- (i) public open space - the hard and soft landscaped areas to the external perimeter of the blocks facing the Nature Reserve, River Foss and the newly formed foot street.

- (ii) semi private communal courtyards - the dwellings are designed to enclose two courtyards for the use of all residents. Two secure, gated entry points (other than direct via dwellings) allow access for maintenance.

- (iii) private patios - each townhouse backing on to the communal courtyard has a private rear deck/patio of 3 x 5 metres in size defined by low level railings.

- (iv) balconies - generally each townhouse and upper level apartment has balconies to either front or rear dependant upon aspect and view.

- (v) roof terraces - top floor apartments have private external roof terraces.

Foss Islands Nature Reserve and the River Foss

1.16 A River Foss Edge and Foss Islands Nature Reserve Ecological Management Plan was submitted with the outline application with a revised version of the EMP accompanying this reserved matters application. Implementation of the EMP as part of the Phase One works is intended to meet the requirements of the relevant clause of the Section 106 Agreement.

1.17 Amongst the management objectives included in the EMP are (a) the aim to maximise the ecological interest of the north banks of the River Foss and the Foss Islands Nature Reserve (also known as King Pool Urban Nature Reserve; (b) to ensure appropriate and safe public access to the river frontage and alongside Foss Islands Nature Reserve and improve access for maintenance, whilst minimising

wildlife disturbance; and (c) to contribute to enhancing the ecological connectivity of the Foss Corridor.

1.18 It should be noted that the Local Highway Authority would not be adopting any of the paths /routes as publicly maintainable highway and therefore would not have any responsibility for maintenance. The routes would need to be maintained by the management company and access restricted by the use of control measures (gates/fencing) in order to prevent the creation of public rights through use.

Access and Car/Cycle Parking

1.19 Access to the basement car park would be via either the communal stairs/ lift core located in each of the apartment blocks or for vehicles, from the entrance ramp located off the access road within Block B. This would be controlled by a security shutter. York City Council maximum standards allow the provision of a maximum 221 car spaces. In the outline approval, 200 spaces were deemed an acceptable level of provision based upon the sustainable location of the site which is readily accessible by walking, cycling and public transport. These would all be accommodated within the basement and would allow for the required number of visitor spaces. 10 spaces would be provided to disabled space standards and a car club will operate from the development.

1.20 In terms of cycle parking, 122 resident cycle spaces would be provided in the basement car park with a further 20 cycle spaces located at ground level for the use of visitors. As part of the outline approval, a financial contribution will be made towards a cycle hire scheme integrated within the Hungate development and in the longer term potentially expanding to other city locations.

Refuse Strategy

1.21 Each residential block of apartments would have its own designated refuse store adjacent to its stair core in the basement car park. A principal store would be located close to the car park entrance to accommodate the balance of the bins. These would be rotated by a management agreement on a regular basis. A recycling point would be located adjacent to the principal refuse store.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP11

Accessibility

CYHE2

Development in historic locations

CYT4

Cycle parking standards

CYNE1

Trees, woodlands, hedgerows

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE3

Water protection

CYNE7

Habitat protection and creation

CYH3C

Mix of Dwellings on Housing Site

CYGP9

Landscaping

2.3 The application should be considered in the context of the principles established in the development brief and relevant national, regional and local plan policies.

2.4 The Hungate site was first allocated for mixed use (employment / residential) development in the City of York Deposit Draft Local Plan, May 1998. It has remained as a mixed land use allocation throughout subsequent changes to the plan, culminating in approval of the site for premier employment use (B1) and an estimated capacity of 600 new homes in the Draft Local Plan (4th Set of Changes), April 2005.

2.5 A comprehensive development brief for the land, setting out the Council's requirements and aspirations for development of the land, was approved for consultation purposes in December 2004, superseding the earlier brief of 1999. The document was approved for the purposes of guiding planning applications for the development of the site in March 2005.

2.6 As a reserved matters application there are two key areas where the proposals should be considered in terms of national and local policy guidance; design and external appearance and landscaping.

Design and External Appearance (including materials)

2.7 PPS1: Delivering Sustainable Development stresses the importance of high quality and inclusive design as a key element in delivering sustainable development. Although visual appearance and the architecture of individual buildings are key considerations, the integration into the existing urban form, connections between people and places, the creation of safe and inclusive cities and the impact on the natural environment are also important aspects of good design.

2.8 PPG15 (Planning and the Historic Environment) emphasises that new buildings should be carefully designed where they stand alongside historic buildings and the principles of scale, height, massing and materials need to be taken into account the setting of adjacent listed buildings and ancient monuments.

2.9 Consideration should be given to the requirements of Draft Local Plan Policy GP1 (Design), which states that development proposals will be expected to be of a scale, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate materials. Policy GP1 includes the need to retain, enhance and create urban spaces, public views and skyline landmarks which make a significant contribution to the character of the area. It also includes the need, where appropriate, to incorporate informative landscape design proposals, where these would clearly have an influence on the quality and amenity and/or ecological value of the development.

2.10 Draft Local Plan policy HE2 states that in areas adjoining conservation areas or where the setting of listed buildings, scheduled monuments or nationally important archaeological remains would be affected, development proposals would be expected to respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

2.11 The Hungate Development Brief states that the site should be a place with a unique identity, which respects the strong character of surrounding areas and buildings, particularly the built and natural environment and the landscape and

ecology of the River Foss. Variations in height, roof modelling, elevational treatment and a choice of materials should be used. There should be a variety of heights adjacent to River Foss to provide varied form and roofscapes, and the canalisation of the river should be avoided.

2.12 The design details of this reserved matters application should be derived from the Design Code submitted in January 2005 with the outline application (02/03741/OUT).

Landscaping

2.13 The Development Brief sets out the broad aspirations for the site in terms of landscape and ecology. It states that the riverside should become one of the focal areas of the scheme and its potential should be recognised within the overall design of routes and public spaces, orientation of buildings and location of uses. A riverside walkway should be created which will provide an attractive outdoor recreation and leisure environment. The vegetation in the river channel should be reinforced with new naturalistic planting on the bank top to provide increased opportunities for wildlife and to enhance the riverside walkway. Landscape proposals should seek to enhance the aspect of Kings Pool Nature Reserve as an important part of the development as a whole.

2.14 Draft Local Plan Policy GP9 (Landscaping) requires development proposals to incorporate a suitable landscaping scheme.

NE1 - seeks to ensure the protection of trees, woodlands and hedgerows which are of landscape, amenity, nature conservation or historical value.

NE2 - seeks to protect river and stream corridors, ponds and wetland habitats from development which is likely to have a detrimental impact and seeks to conserve and enhance their environment and amenity value.

NE3 - requires that when determining planning applications, account will be taken of any impact the development will have on watercourses, open water or underground water supplies. Development proposals will be expected to minimise any adverse effects on these sources.

NE7 - seeks to ensure that development proposals retain important natural habitats and, where possible, include measures to enhance or supplement these and to promote public awareness and enjoyment of them.

3.0 CONSULTATIONS

INTERNAL

URBAN DESIGN AND CONSERVATION

Landscape Architect

(Original Plans)

The landscape plan shows the formal planting details for the internal courtyards and the avenue of trees around the perimeter of the emergency access path. It refers to the ecological management plan (EMP) for the remainder of the new planting between the emergency access link and the river/Kings Pool. The list of trees and shrubs given in the EMP seem suitable. A decision has been made as to which existing trees shall be retained and which shall be reduced or removed; indeed it appears that the necessary tree works has already been carried out. Officers are happy for the alternative plant species and the details for the native tree and shrub mix to be dealt with under the landscaping condition detailed on the outline approval.

The EMP shows the proposed alignment for a root barrier on the tree removal/retention plan. The root barrier shall not be implemented in front of the existing Poplars. But (as requested by Yorkshire Water to provide protection from the new tree planting) it can go in, in phases to suit the phased removal of the Poplars and replacement with new trees.

Some timber benches should be provided off the pavement facing towards the river in order to facilitate use of the communal open space. Officers also request details of the viewing platform at the junction of Kings Pool with the Foss. This should be sited off the emergency access for convenience of viewing the river for those in wheelchairs or with pushchairs and for general ease of access. Encouraging people to view from the platform will deter them from seeking alternative, undesigned, access points.

(Revised Plans)

It is recommended that a condition requiring details of external works, to include details of external paving materials, timber decking, street furniture, design and location of railings, lighting plans and details of lamp columns, together with the detailing of the viewing platform, shall be attached to the decision. This condition would address the outstanding issues.

Countryside Officer

(Original Plans)

Issues to be addressed include;

- (a) Not all branches that touch the water should be removed in one go
- (b) The species in Appendix 1 are not appropriate. Suggest that Appendix 1 and 2 are merged and enhanced to provide a more comprehensive listing. Also the wildflower list contains species that are not found locally.
- (c) The use of clean topsoil for soft landscaping is fine in the formal areas but not particularly suited to wildflower establishment etc.
- (d) Some of the drawings still show a footpath between the access road and the river/Kings Pool. This has been superseded.
- (e) The location/design of the substation requires further thought.
- (f) Suitable wildlife design should be incorporated into the buildings.

(Revised Plans)

The revised Ecological Management Plan has taken account of the previous issues raised and now covers all that is necessary at this stage. Officers are aware that there are still certain issues that are a matter of concern to objectors. These largely relate to the absence of a clear set of priority habitats that the proposals aspire to. Whilst this is to some degree valid, they are implicit within the proposals made and are not therefore critical to the document as it stands and will be picked up at the detailed stage of design that will be required. Following on from this, there is still concern that there is insufficient detail in the plan. Because the details are not material to the application as such, it is considered that such a detailed plan cannot be required at this stage but it does provide the basis of what is required to be provided and can therefore be approved, subject to a detailed plan to be drawn up prior to work starting. There are a number of other issues raised but these are a matter of detail that Officers consider can be resolved via the outline conditions.

Conservation Architect

(Revised Plans)

The substitution of a variety of red bricks for the previous areas of “buff” brick will enable continuity of materials from the central historic core conservation area. This change is welcomed.

The bulky corner units marking the corners in the centre of Palmer Street and leading into Palmer Lane have been reassessed to bring them more in line with the design intentions of the “character areas” developed in the earlier design statement and the design code. The submitted scheme had replicated the form of the taller corner units which would form the landmark elements facing the more open area of the Foss nature reserve. The units on Palmer St were squatter in appearance and introduced a more commercial element into Palmer Street where it would be highly visible along Pond Lane from the body of the site. The amendments have introduced a pitch roof and reduced the apparent bulk by visually dividing the blocks and reducing the extent of the wrap-around balconies. The revisions sit more comfortably in the street scene and add to the variety and interest of the roofscape which has been developed.

The scheme as a whole has achieved a high degree of interest and variation using a limited number of forms and elements. Significant parts of the scheme (mainly the houses) also create a contemporary architecture which would be distinctive to the area. Revisions would appear to correspond with the intentions of the design statement and code.

HIGHWAY NETWORK MANAGEMENT

The application being considered is for the reserved matters detail of Phase 1 of the Hungate development. The site, as a whole was granted consent at the outline stage in July 2004. The outline application considered siting of buildings and access. As such all issues relating to car parking levels/cycle parking levels and traffic generation have been considered and cannot be revisited at this stage. Highway contributions were sought at the outline stage and are covered by the S106 Agreement that is in place for the site.

A number of conditions were placed on the outline application covering highway construction/layout details, cycle parking facilities and mitigation measures. Such conditions are still in force and further plans/details to satisfy these conditions are required before works can commence on site.

ENVIRONMENTAL PROTECTION UNIT

It is noted that the site investigation/remediation statement is a general statement of intent and not intended to be a submission to discharge any of the conditions on the outline permission 02/3741/OUT.

With regard to the noise insulation report, it is noted that this is intended to show that condition 26 of the outline permission will be met at the Phase 1 development. The report on the building envelope of Phase1 is sufficient to show that so long as the building envelope is as specified in the report, it will meet the criteria given in condition 26. However, this condition cannot be discharged at this stage, as it remains relevant for future phases of the development that involve residential development

STRUCTURES AND DRAINAGE

No objections

CITY DEVELOPMENT

In summary, Officers do not consider that the increase in the number of one bedrooomed units would harm the provision of other units proposed in this phase but would provide a more balanced provision of smaller units in line with Housing Market Assessment findings. It is therefore considered that, provided that the overall total of 720 homes on the wider Hungate scheme is not compromised, the alterations proposed in the reserved matters are acceptable.

For detailed comments, please refer to Section 4.3 of the appraisal section of the report.

HOUSING SERVICES

Negotiations are almost completed relating to the affordable housing provision on Phase 1. The only item to finalise is the precise number of car parking spaces - this can only be resolved when the highway and traffic issues are completed. The number, size and type of the affordable housing is agreed and is an improvement on the provision set out in the S106 for the outline application for the whole site in relation to this phase as townhouses have replaced the 4bed flats in the original S106. It is proposed that there will be 31 affordable homes of which 13 are 1 bed flats, 13 are 2 bed flats and 5 are 4 bed townhouses. The tenure mix is : 1 bed flats - 3 for rent, 10 discount for sale; 2 bed flats - 8 for rent , 8 for discount for sale; 4 bed houses - all 5 for rent.

Pepper-potting is considered to be satisfactory with homes of each tenure on most floors in blocks A, B and C.

LIFELONG LEARNING AND LEISURE

No objections

EXTERNAL

ENGLISH HERITAGE

(Original Plans)

Consider that the design approach does not sit comfortably with the Design Code which received outline approval. The Design Code suggested residential clusters which were vernacular in approach with contemporary form. EH were comfortable with this approach especially as it suggested the use of materials which reflected the local distinctiveness of York in a manner which for instance, the DEFRA buildings achieve. Looking in particular at the Design Code (ref: footstreets) and comparing it with the elevations proposed for the Palmer Street elevation, there is quite a departure from the vernacular idiom in favour of a more commercial looking scheme. It is considered that modifications are still needed in order for the first phase to work well with its present and proposed neighbours and reflect the overall local character in York. The scheme lacks the "Yorkness" which the Design Code strove to secure.

Comments on the Revised Plans are awaited.

CONSERVATION AREAS ADVISORY PANEL

(Original Plans)

The Panel felt that this proposal was alien both in architectural style and materials. The panel referred to the Urban panel of English Heritage and CABE who said that the development should be assimilated into its surroundings, which therefore make the proposed materials inappropriate, and the monolithic character of the buildings too obtrusive. The Panel felt that the materials should be brick/pantile or brick/slate and referred to the 2004 design statement which shows a much varied roof line and different materials. The panel felt that this proposal was a departure from the ethos of the design statement.

YORK CIVIC TRUST

(Original Plans)

In previous comments on the development of this site we have expressed concern at the scale, bulk and massing of the proposed buildings and the significance of these aspects in relation to the inherent scale of York which gives it its unique character.

The scheme as now submitted still conflicts with the scale of the City Centre but the York Civic Trust accepts that the principles of development have largely been accepted when granting outline planning permission in 2005.

In that context, the present scheme is an improvement on previous sketch proposals. It is hoped that the scale of Phase 1 will inform other development proposals for this

Hungate Area. This is especially important in relation to the close proximity of the site to the historic core and the surrounding Conservation Area.

It is noted that some trees will be lost as part of the proposed scheme and that some semi-mature trees will be planted around the perimeter of the site. These are welcomed and should provide a useful framework to the site and assist in its integration into the area.

ENVIRONMENT AGENCY

(Original Plans)

We are able to withdraw our flood risk objection to the application on the basis that the following comments are taken on board and conditions included on the decision notice. However, we are not satisfied with the application from a biodiversity perspective and request that we have clarification on the following issues;

(i) Flood Risk - we request a condition to require the development to proceed in accordance with the Flood Risk Assessment. With regards to surface water, drawings illustrate that the proposed impermeable areas will not exceed those that exist on the site and therefore there should be no increase in run-off. This is an acceptable approach, however it is noted that the proposed permeable areas are to be above the basement car parking, therefore the extent to which natural infiltration drainage will occur is questionable. Therefore we would ask for clarification that there be no piped surface water from the area shown on plan as "proposed permeable".

It is noted that the FRA suggests that the mitigation will remove the risk of flooding. Whilst it is accepted that the mitigation should offer protection from the 1 in 100 year flood, the site will still be at risk from flooding from the River Ouse/ Foss. It is also noted that the possibility of the use of SUDS is addressed in the FRA. We would agree with this approach. The Foss is in a pumped drainage system which is considered to be at capacity. Therefore we would consider any increase in run off unacceptable.

(ii) Biodiversity - We require clarification regarding a number of issues relating to the River Foss, the river corridor and frontage and Foss Island Nature Reserve. The drawings show "palm trees" along the river frontage - the Agency's policy is that locally native species only shall be planted within the river corridor. We need to clarify exactly what is planned for this site. The development is a high profile one in a river corridor that presents opportunities for restoration and enhancement. One issue that needs further clarification is how lighting from the development will affect the river and its wildlife. With regards to contaminated land/groundwater issues, the Agency looks forward to reviewing a quantitative risk assessment and detailed remedial strategy for this site once it becomes available.

Comments on the revised plans / Ecological Management Plan are awaited

YORKSHIRE WATER

With regard to water supply, states any supply issues can be resolved under the provisions of the Water Industry Act, 1991. With respects to waste water, six conditions are recommended relating to the requirement that no building or other obstruction shall be located within 3 metres of the centre lines of the shallow lying sewers or within 6 metres of the deeper lying sewers, which cross the site; to ensure that no foul or surface water discharges take place until proper provision has been made for their disposal; and to ensure that surface water from vehicle parking and hardstanding areas shall be passed through an interceptor prior to discharge to the public sewer.

GUILDHALL PLANNING PANEL

(Original Plans)

The Panel is highly disappointed by the detailed proposals and object on the grounds of;

- (i) excessive density
- (ii) excessive height
- (iii) the rigid "stalinist" layout
- (iv) the proposals are wholly out of character with the special character of York city centre which is characterised by a mixture of scale, a highly varied roof line and irregular building lines.
- (v) the poor living conditions offered to residents especially in terms of outdoor roof garden or balcony areas
- (vi) materials that will stain badly
- (vii) a lack of imagination and sensitivity to its surroundings.

(Revised Plans)

The panel regrets that it must reaffirm its objections to this Stalinist scheme which one member likened to "downtown Bucharest".

NORTH YORKSHIRE POLICE

Satisfied that our previous recommendations have been responded to and that the plans now reflect well a commitment to providing a safe and secure development. It is also pleasing to note that the Design Statement indicates an intention to achieve "Secure by Design" status. At this time, it is considered that subject to the recommendations being complied with and certificated evidence of the building standards having been met, there is no reason why the Secure by Design Award should not be achieved.

NATURAL ENGLAND

(Original Plans)

Based on the information provided, Natural England raises no objection however some of our comments remain the same as to the previous application and these are outlined as follows.

- (i) It has been identified that some breeding birds utilise the on site vegetation. Removal / pruning of vegetation should therefore only be undertaken outside the bird breeding season.

- (ii) River Foss Edge and Foss Islands Nature Reserve Management Plan - welcome the efforts to enhance existing habitats and species on the site and to incorporate additional wildlife habitat into the proposed development. There is only mention of public access adjacent to the nature reserve and along the river frontage and it is understood that the reserve itself is fenced off and locked to prevent public access. Natural England believes that there may be additional scope for interpretation of the nature reserve and some limited and managed public access to the reserve.
- (iii) Biodiversity Enhancement - A duty is placed on public authorities to have regard to biodiversity in exercising their functions. Natural England therefore recommends that opportunities for enhancement of nature conservation interests should be considered in the preparation of detailed site layouts and subsequent management of the site.

SPORT ENGLAND

It is understood that the outline consent includes a total contribution of £403,131 towards public open space provision, including playing pitches phased over the occupation of the development. This will help improve participation levels in sport. The on site nature reserve may also improve levels of active forms of recreation, e.g. walking. Sport England has no further comments to make on this reserved matters planning application.

YORKSHIRE WILDLIFE TRUST

(Original Plans)

The Yorkshire Wildlife Trust is not opposed to the development of the site in principle and we support in principle the proposals for the River Foss and the Foss Islands Nature Reserve. However, there are inconsistencies between plans and a lack of clarity and detail in relation to the proposals for the River Foss and the Foss Islands Nature Reserve. In addition, some aspects of the Ecological Management Plan (EMP) could be altered to more fully meet the stated objectives. We consider that this application must be amended to incorporate the points listed below. We therefore object to this application until we are satisfied that this has taken place.

(1) Conservation Objectives

A higher quality result would be achieved if Objective 1 of the EMP included "to replicate good quality natural river and bank habitats typical of equivalent sites in the York area". This should extend to the building line.

(2) Riverbank planting and design

(i) The design should include only appropriate native plant species. Plant species lists and planting plans should be agreed and finalised with the city ecologist and be considered by Committee. It is not adequate to agree it later.

(ii) Seeds and plants to be planted on the riverbank should be of local provenance

(iii) The EMP should include detailed plans and profiles illustrating the proposed habitat creation and should include the range of water levels in the River Foss.

(iv) The tree fern type plants shown on the bank top are inappropriate in a naturalistic setting and should be removed.

(3) Public access along the riverside and nature reserve

(i) Removal of the riverside path from the plans - delighted that this path has been removed from the scheme as close public access along the river corridor would have impacted adversely on wildlife, including otter. Once the shrub species have

become established, this stretch of riverbank will represent the best length of the River Foss within central York for otters to use as cover and to rest up in.

(ii) Restriction of access onto the riverbank - recommend low ornamental railings with a continuous native hedge behind on the bank top adjacent to the emergency access to discourage access.

(iii) It is not clear how the nature reserve is to be fenced from public access this point should be clarified. There should also be a prescription to keep access to the nature reserve for management purposes to a minimum.

(4) Lighting - Details of lighting along the riverbank top or emergency access should be included in the application.

(5) Tree management - Tree branches which are submerged or are likely to become submerged in the future should only be removed if absolutely necessary for flood defence reasons.

Comments to revised plans / Ecological Management Plan are awaited.

YORK NATURAL ENVIRONMENT PANEL

(Original Plans)

Welcome the agreement for the line bore to protect existing trees and that the proposed phased removal and replacement of trees along the eastern boundary could be a good solution. There seems to be some uncertainty if there is to be a root barrier or not. The barrier should not be within the rooting zones of the trees and at the nearest should be at the building line of the proposed buildings.

There appears to be a number of inconsistencies in the drawings and text, which may lead to more development being allowed than is intended to be permitted. Questionable species selection on the landscape plans - it will be possible to use British native species to produce an equally attractive scheme.

(Revised Plans)

Inconsistencies in the details would give the developers choice at the reserved matters stage - these need to be clarified to avoid arguments and complications at a later stage. For example, some plans show a footpath along the side of the river, others don't.

Ask for a meeting to discuss a way forward and sort out any objections before the planning meeting on the 22nd February - if not possible ask that the item be deferred.

The internal and external landscaping needs to be of British Native stock, taking into consideration it's benefit for wildlife. The species selection of the 'half avenue' of trees along the riverside should not be purely ornamental but planted with wildlife in mind, for example with silver birch or wild cherry (fruit for birds). Appears to be no landscaping at the base of the buildings. Appears to be no landscaping at the base of the buildings fronting the river.

Support the draft Sustainability SPG in context of using British native species in landscaping schemes.

YORK NATURAL ENVIRONMENT TRUST

(Original Plans)

Detailed 19-page objection letter summarised below. A response to some of these points is provided in paragraphs 4.2.2 to 4.2.9.

General concerns;

- (a) Scale and massing of the development is too great and insufficient public space is available both within the development and in providing a natural corridor.
- (b) The design fails to integrate nature conservation within the built area of the development.
- (c) Habitat creation proposals lack integrity and do not consider what potential habitats should be incorporated based on an assessment of habitats elsewhere along the Foss and Ouse.
- (d) Corridor continuity / habitat fragmentation
- (e) Insufficient and out of date survey data to inform the consideration of the application, notably invertebrates and fish.
- (f) Inconsistency of some drawings.
- (g) Requires detailed landscape and nature conservation design to be approved as part of the consent and not dealt with by condition.

Specific Concerns

- (h) The proposed use of non native species/cultivars is inappropriate
- (i) The ambiguity of the proposals perpetuates a threat to retained trees, particularly the nature reserve Lombardy Poplars. The requirement to retain these trees as part of the site's long term management must be embodied in the EMP.
- (j) The use of imported topsoil for all soft landscape.
- (k) All Environment Agency consents should be in place before approval is given.
- (l) Value of river branches

(Comments to the revised plans/Ecological Management Plan are awaited).

OTHER INTERESTED PARTIES

(Original Plans)

Two letters of objection have been received covering the following points;

- (i) The change in architectural language from the quasi vernacular shown in the visualisations included within the outline to an aggressively modern style is much to be regretted. The altered aesthetic together with the use of uncharacteristic materials takes no account of local distinctiveness. It fails to respect context as well as the character of adjacent listed buildings. The proposed new blocks, already too high and massive, will fail to be assimilated into their surroundings with the result that a self contained ghetto will be created, unconnected with its context. As such the proposals fail to comply with Local Plan Policy HE2.
- (ii) The proposed design is lacking in both imagination and character and is typical of early 21st century construction and as such, will date and later be regarded like Stonebow. With such a central location, more creativity should have been used so that the design would respect its historic setting.

(iii) The choice of buff brick is incorrect. This dull yellow brick was used on the Dixons Yard development. At least the DEFRA building followed the traditional York choice of materials and in particular mottled red brick. The proposed development would not only be out of keeping with this medieval city but the colour of the brickwork would also clash with the adjacent DEFRA building. It is hoped that the Planning Committee insist on a better quality brick than used in Dixon's Yard. Also, the bricks are highly absorbent to water; this has resulted in the bricks already becoming stained and looking discoloured when wet.

(Further comments arising from reconsultation of third parties are awaited)

4.0 APPRAISAL

KEY ISSUES

- Design of the development
- Ecological Impact / Landscaping
- Number of units, mix of house types and affordable housing
- sustainability
- security and designing out crime considerations
- Highway safety / cycle parking

4.1 Design of the development

Hungate Design Statement

4.1.1 The Design Statement submitted with the outline proposed a number of character areas for the Hungate development with particular design options provided for each area. With reference to Phase 1, the character areas consisted of the street aesthetic around the footstreets, the townhouse aesthetic and the landmark buildings. Illustrative design principles and key characteristics for each of these were provided, as summarised below;

Street aesthetic around foot streets (the Palmer Street and Pond Garth elevation)

4.1.2 The design statement described the design concept for the footstreets and indicated that they would be generally tighter than other spaces and the buildings, therefore, would not be seen as straight elevations but viewed obliquely. The building line would be on the back edge of the pavement. It was proposed that these streets should reflect traditional York streets, with a vertical emphasis and a variety

of building materials reflecting the change between house frontages. A higher storey should be introduced as a "book end" element. A varied roofscape would occur with different eaves' heights and the skyline punctuated with dormer windows and chimneys. It was envisaged that whilst the material would be predominantly brick, a wider variety of materials and colour would be used in this part of the development than in other areas.

Townhouses (located on the eastern edge of the site overlooking the River Foss and the Nature Reserve)

4.1.3 In contrast, the design concept for the townhouses was for the houses to reflect the grandeur of regency terraces such as St. Leonard's Place, which have a consistency and elegance based on a harmonious composition of horizontal and vertical elements. The characteristics of the town houses would include a building line set back behind railings, a continuous eaves line, gables to create visual interest against sky line, a higher storey introduced as a "book end" element, balconies at first floor to create horizontal emphasis, repetition of components such as windows and doors and an emphasis on end and middle elements.

Landmark Buildings

4.1.4 The design statement proposed striking contemporary buildings in prominent locations at the eastern end of the site overlooking the nature reserve, which would create landmark "book ends". Curved glazed screens would exploit views over the Nature Reserve.

Appraisal of revised Reserved Matters elevational plans

4.1.5 In response to comments that the design approach proposed in the original set of plans accompanying this reserved matters application, did not sit comfortably with the design statement, Officers requested that revised plans be submitted. Objections related principally to the Palmer Street elevation, insofar as the drawings illustrated a more commercial looking scheme rather than the vernacular idiom as proposed in the footstreets approach detailed in the Design Statement (see paragraph 4.2).

4.1.6 In particular, the submitted scheme for the corner units in the centre of Palmer Street, had replicated the form of the taller "landmark buildings" which face the more open area of the Foss Nature Reserve. These units were squatter in appearance and introduced a more commercial element into Palmer Street where it would be highly visible along Pond Lane from the body of the site. Furthermore, the proposed use of buff brick, was not considered to reflect the local distinctiveness of York, which the Design Code strove to secure.

4.1.7 Revised plans have now been submitted which substitute the buff brick with a variety of red bricks and which amend the 5 storey corner blocks, which sit either side of the pedestrian courtyard entrance on Palmer Street as follows;

- The corner elements have been revised to show a solid façade to form a strong focal point to the entrance into the courtyard and along Palmer Street.

- The roof has been remodelled to incorporate a pitched element and also a flat element to align with the approved illustrative design principles. This is intended to give a stronger finish to the access and to provide a crisp frame to the existing brick chimney in the distance.
- The fin to the Palmer Street elevation has been reduced in height to emphasise the strong line of the roof form.

4.1.8 It is considered that these amendments have brought the previously bulky Palmer Street corner units more in line with the design intentions of the design statement and code submitted with the outline scheme. Rather than these elements replicating the form of the “landmark buildings”, the amendments have introduced a pitched roof and reduced the apparent bulk by visually dividing the blocks and reducing the extent of the wrap around balconies. It is considered that the revisions sit more comfortably in the street scene and add to the variety and interest of the roofscape which has been developed.

4.1.9 Officers consider that the scheme as a whole has achieved a high degree of interest and variation using a limited number of forms and elements. Significant parts of the scheme (mainly the townhouses) also create a contemporary architecture which would be distinctive to the area. The revisions are considered to correspond with the intentions of the design statement and code.

4.1.10 Comments to the revised plans from third parties, such as English Heritage, are awaited.

4.2 Ecological Impact / Landscaping

4.2.1 In response to concerns raised by the Council’s Countryside Officer and external consultees with respects to such issues as species mix, wildlife design and use of topsoil, a revised Ecological Management Plan has been submitted. Whilst the Council’s Countryside Officer is now satisfied with the revised plan (as detailed in Section 3.0) comments from third parties, such as the Environment Agency and Yorkshire Wildlife Trust, are awaited. The following paragraphs (4.2.2 to 4.2.9) are intended to provide both an appraisal of the ecological merits of the proposals and also a response to the detailed objections raised by YNET to the original Ecological Management Plan. It is anticipated that further comments from YNET (in response to the revised EMP and further to a meeting between YNET, the Countryside Officer and the developer), will be available at the Meeting.

4.2.2 In response to the general comment provided by YNET, Officers are sympathetic with the ethos of a naturalistic environment being created within developments however maintain that equally needed is variety and a design that will cope with the rigours of an enclosed built environment where temperatures will be high and water availability limited, especially in summer. There are a number of solutions to this and the proposals, as set out, are one using plants that should survive here. YNET has indicated another, using the concept of heathland species as at Strensall. This could also work and would be equally acceptable.

4.2.3 YNET argues that the habitat creation proposals lack integrity and do not consider what should be developed here based on an assessment of elsewhere along the River Foss and Ouse. Officers consider that the habitats and species proposed are what you could find and whilst there are species included that are not present along the Foss, this is in part because the Foss is a degraded watercourse. Officers argue that if it was based solely on what is found locally, it could be very uninspiring. Instead the aim, as the plan states, is to enhance the area.

4.2.4 Officers consider that the proposed enhancement of the aquatic environment will help reduce habitat fragmentation because the Foss is a degraded river and Hungate an urban location. The issues of connectivity and retention/ enhancement of the river corridor is a complex one. A wildlife or green corridor is effectively a discontinuous mosaic of a number of different habitats, within a more or less continuous open space, it is not a single continuous habitat. Even in nature, habitats are rarely continuous for long and wildlife moves from one area to another depending on the distance between suitable areas and the organisms ability to disperse. This varies from species to species. The aim is to reduce the distance to a minimum and so increase connectivity. In this context, the plans do enhance the network and therefore do fulfil PPS9.

4.2.5 YNET suggests that the survey information, most notably with respects to invertebrates and fish, is out of date and inadequate and should be redone before the application is considered further. Officers argue that such surveys, whilst of interest, are not relevant to the development itself and would provide little additional useful information with regard to the implementation of the proposals. The habitats and species proposed are based on those already known to be in the area with some additional species that were once more frequently found and are considered suitable for re-establishment at this location.

4.2.6 Officers note however that one survey that may be valuable, relates to the Depressed River Mussel. This is needed primarily to ensure that it is not present within the Kings Pool and could otherwise be damaged by desilting operations. This issue is being taken up with the Environment Agency.

4.2.7 With respects to the loss of Poplars and other trees, it has been agreed that the Poplars are to be replaced on a phased basis over a long period (the period of which will partly be dependant on the findings of the annual tree survey). The poplars are already mature and, being short lived will require careful monitoring to ensure that they constitute no risk to public safety. The root barrier is only being installed as felling and replanting are carried out and will not be installed close to or beneath existing mature trees.

4.2.8 In terms of the use of non native species, all of the planting within the proposed nature reserve and river corridor area would be native and some ornamental species are only proposed to be used adjacent to the buildings themselves. When choosing such ornamental species, consideration will also be made to their potential value for wildlife such as berry bearing or nectar production, as well as to their visual character. The exact details of the planting are still to be established. On a related issue, the proposals relating to wildflower species specifically state that where possible, locally sourced material will be used.

4.2.9 YNET explain in detail the value of branches in the river. This point has been addressed although with the proviso that there is the need to be aware of Environment Agency Flood Defence issues.

4.2.10 With regards to the hard and soft landscaping works, the Councils Landscape Architect, whilst generally satisfied with the proposals, has recommended a condition requiring further details of external works such as lighting proposals and detailing of the viewing platform. This condition is considered to address all such outstanding issues.

4.3 Number of units, mix of house types and affordable housing

4.3.1 Draft Local Plan Policy H3c states that a mix of new house types, sizes and tenures will be required on all new residential development sites where appropriate to the location and nature of development. Residential developments must demonstrate that the range of type, size of units (including number of bedrooms), design and layout of the plot and tenures and pricing meets local housing needs.

Number of units

4.3.2 As detailed in paragraphs 1.11 to 1.13, the number of units to be provided in Phase 1 has increased by 41, from 122 units detailed in the outline to 163 units in this reserved matters application.

4.3.3 Officers raise no objection to the proposed increase in the number of units in phase one, provided this does not lead to an increased number of units in the scheme overall. It is accepted that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme.

4.3.4 However, the outline application was considered on the basis on 720 units, both in terms of its implications for housing supply and in order to calculate the s106 contributions for affordable housing, highways, education and leisure provision. The applicants have confirmed in writing that it is not their intention at this stage to exceed the 720 units approved on the site.

Housing mix

4.3.5 Of the additional 41 units proposed for this phase, 40 would be one bedroomed flats. The applicant has submitted that this is not the result of the replacement of larger units with 1 bedroomed units, but rather a review of the mix proposed in later phases and an attempt to create a more balanced mix of accommodation across the site. A statement supporting the revised mix has been submitted which claims the proposed change is supported by market conditions, the 2006 draft Housing Market Assessment (HMA) and 2001 census data.

4.3.6 The York HMA uses a methodology consistent with national guidance and is based on a range of primary and secondary data. It is noted that the market

information submitted by the applicant relies largely on reports from sales agents, which are typically short term and reflects demands from buy-to-let investors and immigrants as well as newly forming and existing households. Officers therefore do not consider that such information alone can justify the increase in one bedroomed units.

4.3.7 The HMA reveals a demand for 412 one bed units (house and flats) per annum, which is quoted in support of the revised mix. Officers consider however that this figure needs to be understood in the context of York's strategic housing target and the fact that not all demand can be met. The Council needs to balance a range of demands for different types of houses within its overall strategic target.

4.3.8 Officers acknowledge that in this case, the proportion of one bedroomed units originally proposed in this phase was quite low, approximately 10% of the total number of units. Although the number of one bed units has increased to approximately 32% of the total, the remaining split has not fundamentally altered numerically. The four beds have decreased by two units but are now all townhouses and the number of 3 bedroomed flats has increased slightly. Proportionately, therefore the increase in the number of one bedroomed units would not be considered to harm the provision of other units proposed in this phase and in fact would provide a more balanced provision of smaller units in line with HMA findings.

4.3.9 It is therefore considered that, provided that the overall total of 720 homes on the wider Hungate scheme is not compromised, the alterations proposed in the reserved matters are acceptable. As the outline application was determined on the basis of this number of dwellings it is considered that any increase across the whole scheme would require a fresh application, to enable reconsideration of the key principles and re-calculation of s106 requirements in accordance with site viability.

Affordable Housing

4.3.10 Officers consider the number, size and type of the affordable housing agreed for Phase 1 to be an improvement on the provision set out in the S106 for the outline application for the whole site, as townhouses have replaced the 4 bedroomed flats. It is proposed that there will be 31 affordable homes of which 13 are 1 bed flats, 13 are 2 bed flats and 5 are 4 bed townhouses. The tenure mix is : 1 bed flats - 3 for rent, 10 discount for sale; 2 bed flats - 8 for rent , 8 for discount for sale; 4 bed houses - all 5 for rent. The pepper-potting is considered to be satisfactory with homes of each tenure on most floors in blocks A, B and C.

4.4 Sustainability

4.4.1 Draft Local Plan Policy GP4a requires proposals for all development to have regard to the principles of sustainable development and sets out the criteria by which this will be assessed.

4.4.2 A Sustainability Statement accompanied the outline application. This explained how the proposed development would meet local sustainability policies in relation to resource use, transport and access, pollution and waste, and social and economic needs. In addition, the Section 106 Agreement secured the commitment

to the incorporation of measures to ensure energy efficiency and waste and pollution minimisation in the demolition and construction phases and in the detailed design and features of the development and its operation.

4.4.3 The design statement submitted with this reserved matters application identifies key sustainability categories and details how the Hungate scheme has been and will continue to be developed in accordance with current sustainability policy and guidance. Examples are provided below;

4.4.4 Social Sustainability

(a) Site layout and design

The efficiency of each block has been maximised by reducing circulation space to a minimum and designing more single aspect dwellings. Effective building footprint optimises the efficient use of the site.

(b) Transport

Low car ownership and usage will be actively encouraged due to such means as a residents car club operating from the site, low parking provision to all dwellings and substantial provision of secure cycle parking.

4.4.5 Environmental Sustainability

(a) Demolition and Excavation

Crushing and re-utilisation of material from demolition / ground-break will minimise environmental impact and nuisance and reduce amount of fill exported from the site.

(b) Ecology and Landscape

The Ecological Management Plan submitted with the application states a number of objectives such as the planting of new native species to improve ecological diversity and the removal of Japanese Knotweed.

(c) Construction

A Construction Environmental Management Plan will be issued for each phase of the development works, which the principal contractors will be required to adopt. The plan includes detail on general site management practices, waste minimisation, recycling and disposal and pollution control measures.

(d) Recycling

On site waste segregation and reuse will be promoted by the provision of a recycling point in the basement car park.

(e) Materials

Establish the use of sustainable sources and in particular implement a sustainable timber policy.

(f) Water Consumption

Measures to reduce water use within the development, such as rainwater harvesting, use of aerated taps and low flow and flush cisterns will be included within the scheme wherever practicable.

(g) Energy Consumption

- Providing gravity drainage systems thus eliminating electric pump installations.
- Energy efficient lighting will be included within all homes.
- The insulation specification will significantly reduce the demand for heating.

(h) BREEAM and Ecohomes

Within the development all residential properties will be built to a high standard, to ensure they achieve BREEAM or Ecohomes "very good" standard, with 15% of the residential properties to reach an "excellent" standard. The assessment will include consideration of carbon dioxide and nitrogen dioxide emissions; the Section 106 Agreement requires demonstration of a reduction in carbon emissions in comparison to a normal build of this type.

4.4.6 A condition requiring the submission of a report detailing how the environmental assessment rating (BREEAM or Ecohomes) of "Very Good" as set out in the design statement, will be achieved, is recommended.

4.5 Security and designing out crime considerations

4.5.1 Draft Local Plan Policy GP3 encourages crime prevention measures in new developments, including natural surveillance of paths and spaces, secure locations for car and cycle parking and satisfactory lighting

4.5.2 The North Yorkshire Police have confirmed that the plans reflect a commitment to providing a safe and secure development and note that the Design Statement indicates an intention to achieve "Secure by Design" status. NYP indicate that subject to the recommendations being complied with and certificated evidence of the building standards having been met, a Secure by Design Award should be achieved.

4.6 Highway Issues, Car and Cycle Parking

4.6.1 All issues relating to car parking and cycle parking levels and traffic generation were considered at the outline stage and therefore cannot be revisited in this reserved matters application. Highway contributions were sought via the outline application and are covered by the S106 Agreement that is in place for the site.

4.6.2 A number of conditions were placed on the outline application covering highway construction/layout details, cycle parking facilities and mitigation measures. Such conditions are still in force and the Highway Network Management section have confirmed that further plans/details to satisfy these conditions are required before works can commence on site.

5.0 CONCLUSION

5.1 With the principle for this mixed use development having been established in the

granting of outline planning permission, the two key areas to consider in this reserved matters application are design and external appearance and landscaping. Highways and Environmental Protection considerations will be addressed through the conditions on the outline approval.

5.2 Officers consider that the revised details submitted for this application have sought as far as practicable to address the various concerns raised by consultees. In urban design terms, it is considered that the scheme has achieved a high degree of interest and variation using a limited number of forms and elements with significant parts of the scheme also considered to create a contemporary architecture which would be distinctive to the area. Condition 5 of the outline approval required that the external design details for each of the development shall be fully in accordance with the submitted Design Code. It is considered that the revised plans adhere to this condition.

5.3 Further to the above, the revised Ecological Management Plan is considered to take account of previously expressed concerns. Whilst the plan may not satisfy some consultees in relation to its level of detail, it is considered to provide a good basis to satisfy the requirements of the landscape conditions detailed on the outline approval.

5.4 On the issue of the additional 41 units proposed in Phase 1, Officers raise no objection provided this does not lead to an increased number of units in the scheme overall. Officers accept that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme.

5.5 Subject to conditions, as set out below, arising from the details submitted and therefore supplementing the conditions of the outline approval, it is recommended that the application be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

- 2 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) and with reference to the townhouses, development of the type described in Classes A to H of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

- 3 No development shall take place until a report detailing how the environmental assessment rating (BREEAM or Ecohomes) of "Very Good" as set out in the design statement will be achieved, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development in accordance with Policy GP4a of the Development Control Local Plan and PPS1 "Delivering Sustainable Development".

- 4 VISQ8

- 5 Sample panels of the brickwork and stonework to be used on this development shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork/ stonework 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. These panels 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.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

- 6 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- typical eaves and verge details
- windows and doors
- window and door openings showing reveals, lintols and cills
- patent glazing (or other system glazing)
- vertical dividing fins
- balconies including soffits
- entrance steps
- shafts into basement car park

- boundary walls and gates
- fixing of solar panels

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

- 7 Prior to the commencement of the development, 1:20 sectional drawings through the building shall be provided and approved in writing by the Local Planning Authority. The position of the sections shall be agreed in writing by the Local Planning Authority and shall be chosen to show the relationship between the roof, walls, windows, balconies and entrance areas. The works shall be carried out in accordance with the approved details.

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

- 8 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the external works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. These shall include details of external paving materials, timber decking, street furniture, design and location of railings, lighting plans and details of lamp columns, and detailing of viewing platform. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to;

- design of the development
- landscaping/tree loss
- nature conservation
- affordable housing/mix of house types
- planning out crime
- sustainability

As such the proposal complies with Policies GP1, GP3, GP4A, GP11, HE2, NE1, NE2, NE3, NE7, H3C and GP9 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Rachel Tyas Development Control Officer

Tel No: 01904 551493