



Notice of a public meeting of

Planning Committee

To: Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Watt and Williams

Date: Thursday, 22 August 2013

Time: 4.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Would Members please note that there will be no mini-bus for the Site Visit due to the City Centre location.

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 - 10)

To approve and sign the minutes of the meeting of the Planning Committee held on 25th July 2013.

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 **5pm on Wednesday 21st August 2013**. 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.

4. Plans List

This item invites Members to determine the following planning applications:

a) Monks Cross Shopping Park, Monks Cross Drive, Huntington, York YO32 9GX (13/01559/FUL). (Pages 11 - 40)

External alterations to amalgamate five existing units (nos 3, 4, 5/6, 11 and 12) and create additional mezzanine floorspace to create two non food retail units; external alterations and variation of condition 3 of permission ref 3/66/650AK/OA - 3/61/207G/OA to subdivide Unit 16 (resubmission). [Huntington and New Earswick Ward]

b) Yorkshire Evening Press, 76-86 Walmgate, York (13/01916/FULM). (Pages 41 - 72)

Erection of 1 three storey and 1 four to seven storey block and the conversion of Wards Warehouse to provide student accommodation (648 student rooms and management facilities); the erection of a 3 storey office (class B1), extension to the Poads Building and the provision of associated cycle and car parking facilities and landscaping works. [Guildhall Ward] *[Site Visit]*.

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@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
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Contact details are set out above.

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Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

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- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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PLANNING COMMITTEE

SITE VISITS

Tuesday 20th August 2013.

TIME	SITE	ITEM
Members please note that there will be no mini-bus for this site visit.		
12:45	Meet at York Press Site, Hurst's Yard (off Walmgate).	4b

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City of York Council

Committee Minutes

MEETING

PLANNING COMMITTEE

DATE

25 JULY 2013

PRESENT

COUNCILLORS HORTON (CHAIR), GALVIN (VICE-CHAIR), AYRE, BOYCE, BURTON, CRISP, D'AGORNE, FIRTH, FITZPATRICK (SUBSTITUTE), HEALEY (SUBSTITUTE), MCILVEEN, REID, RICHES, SIMPSON-LAING, WATT AND WILLIAMS

APOLOGIES

COUNCILLORS DOUGHTY AND KING

SITE VISIT

Site	Reason for Visit	Members Attended
Parkside Commercial Centre	To enable members to familiarise themselves with the site	Crisp, D'Agorne, Horton, Galvin and Reid.

6. DECLARATIONS OF INTEREST

At this point in the meeting, Members are asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Councillor Crisp declared a personal interest as she was the Cabinet Member referred to in the Section 106 Update report on page 48 of the agenda.

7. MINUTES

RESOLVED:

That the minutes of the Planning Committee held on 20th June be approved and signed by the Chair as a correct record.

8. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

9. PLANS LIST

Members considered a report of the Assistant Director (City Development and Sustainability) relating to the following planning application, which outlined the proposal and relevant planning considerations and set out the views of the consultees and officers.

9a Parkside Commercial Centre, Terry Avenue, York, YO23 1JP (13/01291/FULM).

Consideration was given to a major full application for the erection of a 3 storey office building with associated parking and landscaping following the demolition of an existing industrial unit and relocation of existing caravan stands (resubmission).

Officers circulated an update to the committee report, full details of which are attached to the online agenda for this meeting. The main points were as follows:

- Revised drawings had been received, showing alterations to the side and rear elevations, floor space reduction and site access.
- A proposed extra condition for Construction Management to be added if approved.
- Following issues raised on the site visit, further details on the current parking situation on Lower Ebor Street.

Mrs Jacques, a resident of Dukes Wharf had registered to speak in objection to the scheme. She raised concerns about access to the site via Skeldergate and Clementhorpe. She advised that residents of Dukes Wharf were also concerned about the potential overshadowing and loss of sunlight. She also queried how the building could be safely evacuated in case of flooding.

Mr Tulloch had registered to speak as the applicants agent. He advised that such a development was lacking in York at present and a lot of work had gone into the application in consultation

with the relevant authorities. He was confident that the scheme would attract investors and invited questions from Members.

Members questioned a number of points including:

- Cycle access to the site and the low number of car parking spaces in relation to the proposed 300 person capacity of the building. The applicants agent confirmed the parking and cycle arrangements were appropriate due to the sustainable location of the site.
- Arrangements for exiting the site in case of flooding and if this access would be used in emergencies only. The agent confirmed that this was the case.

Following further discussions, Members agreed that the proposals were suitable for a site that had existing permission for employment use.

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

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

The CEMP shall agree that all demolition and construction works and ancillary operations which are audible beyond the site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00
Saturday 09:00 to 13:00
Not at all on Sundays and Bank Holidays

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

REASON: To protect the amenities of adjacent residents.

REASON: The proposal, subject to the conditions listed in the report and the condition above, would not cause undue harm considering the impact on the adjacent conservation area and the green belt, residential amenity and highway safety.

10. APPEALS UPDATE

Consideration was given to a report which outlined the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 30th June 2013.

Members were pleased to note an improvement in appeals performance in comparison to the previously reported 12 month period and thanked Officers for their hard work.

RESOLVED: That Members noted the content of the report.

REASON: To inform Members of the current position in relation to planning appeals

against the Council's decisions as determined by the Planning Inspectorate.

11. SECTION 106 AGREEMENTS REPORT.

Consideration was given to a report which informed Members on the process of the collection of financial contributions received via Section 106 agreements and reports on current agreements and payments received since 1st April 2012.

Officers outlined the report and drew Members attention to the table at Annex A which outlined the latest position on the 40 developments with the highest outstanding financial obligations. Some minor updates and amendments to the text in the table were reported.

RESOLVED: That Members noted the content of the report.

REASON: To inform Members of the current position

CLLR D Horton, Chair

[The meeting started at 4.30 pm and finished at 5.15 pm].

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COMMITTEE REPORT

Date: 22 August 2013 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 13/01559/FULM

Application at: Monks Cross Shopping Park Trust Monks Cross Drive Huntington York YO32 9GX

For: External alterations to amalgamate five existing units (nos 3, 4, 5/6, 11 and 12) and create additional mezzanine floorspace to create two non food retail units; external alterations and variation of condition 3 of permission ref 3/66/650AK/OA - 3/61/207G/OA to subdivide Unit 16 (resubmission)

By: The Monks Cross Shopping Park Trust

Application Type: Major Full Application (13 weeks)

Target Date: 27 August 2013

Recommendation:

1.0 PROPOSAL

1.1 This is a full planning application which seeks to reconfigure existing units within Monks Cross Shopping Park (referred to hereafter as MCSP) to form 2 large stores, subdivide one existing unit into 2 smaller units and provide mezzanine floorspace..

1.2 The planning application seeks to create two large 'anchor' units alongside the subdivision of an existing retail unit to create two units of the same size. The first unit (Unit 1) will be created by amalgamating Laura Ashley (who are relocating to Julia Avenue), Sports Direct (who will be relocated within MCSP) and Marks and Spencer's (who are to occupy the neighbouring Oakgate scheme). This will result in an increased ground floor internal area by 24 sqm, which is presumably due to floorspace gained through the loss of partition walling and additional first floor floorspace of 2,111 sq.m The information within the submitted documentation indicates that Unit 1 is to be occupied by Primark.

1.3 The second unit (Unit 2) will be created by amalgamating WHSmiths (who will be relocated within MCSP) and Arcadia (who are leaving MSCP). This will result in an increased ground floor area of 10 sq.m and an additional first floor space of 2,299 sq.m. The information within the submitted documentation indicates that Unit 2 is to be occupied by Debenhams.

1.4 Unit 16 (948 sq.m) which is currently occupied by Clarks will be divided into two units of 469 sq.m, thereby losing 10sqm of floorspace. The unit will be occupied by Clarks and either WHSmiths or Sports Direct.

1.5 The proposal seeks to create floorspace through the creation of full cover mezzanines within Unit 1 and 2 and does not propose to extend the envelope of the units. In order for Debenhams and Primark to occupy the new units 1 and 2, unrestricted A1 retail permission is sought. Corresponding alterations are sought to the external appearance of the units to accommodate the new internal layout.

1.6 For clarity and information the existing retail space is currently controlled via a condition attached to the original outline planning permission to develop the park this says:-

'No retail unit shall be less than 10,000 square feet and units greater than 15,000 square feet net retail sales area shall not be used for the retailing of any of the following goods, save where ancillary to the main range of goods sold, without the prior consent in writing of the Local Planning Authority.

- (a) men's, women's and children's clothing and footwear
- (b) fashion accessories
- (c) watches and jewellery
- (d) music and video recordings and video or CD-ROM games
- (e) cameras (including camcorders) and other photographic equipment
- (f) domestic TV, video and hifi equipment
- (g) toys'

1.7 The reason for the condition was to ensure compliance with the Greater York Shopping policy which seeks to safeguard the retail vitality of York City Centre by ensuring that the development does not compete directly with retail outlets in the City.

1.8 The submitted application is supported by the following documents:-

- Planning and retail report and supplementary documents and appendices
- Transport statement
- Travel plan
- Design and Access statement
- Sustainability Statement
- Flood Risk and Drainage Statement

1.9 The applicant undertook a public consultation exercise as part of the previous scheme on this site considered in 2012. The consultation was carried out by Lexington Communications and concluded that the majority of people were happy to see improvements to the MCSP. It was found that an improved transport hub would make respondents more likely to combine a MCSP and city centre trip. This report has not been updated in relation to this scheme; however the applicant has attended a Huntington Parish Council meeting and the local ward meeting where

plans were available and members of the public were able to ask questions about the scheme.

Relevant Planning History

1.10 The application site area consists of an area which cover the main MCSP. The following site history can be attributed to and can be considered relevant to the application site:

- In September 1994 outline planning permission was granted for 'shopping centre comprising 360,000sq.ft. A1 retail floorspace (gross leasable area) plus management space, fast food provision, circulation space and ancillary facilities' planning reference 3/66/650AK/OA 3/61/207G/OA. The application was subject to 13 conditions; condition 3 of the permission is as set out in paragraph 1.6 above. The remaining conditions on this permission relate to the way in which the physical details of the scheme are to be implemented.

NOTE: the above permission and the subsequent reserved matters also related to the Asda supermarket. The Asda Supermarket building and car park are not either within the site area or within the ownership of the applicants.

- In August 1997 Reserved Matters approval was granted for the erection of retail units with associated parking/servicing/ management facilities and restaurant (Planning reference 7/066/9080). The reserved matters was subject to a section 106 unilateral undertaking which included financial contributions towards art work and bus routes and highway requirements outside the application site.

- In February 1998 planning permission was granted for a first floor mezzanine to unit 12 to be used for A3 food and drink use. The planning permission restricted the use of the mezzanine to A3 use only and ancillary to the main retail use

- In July 1998 Approval of reserved matters in relation to landscaping and boundary treatment of the retail development was approved (planning reference 98/00187/REM)

- Prior to the introduction of legislation relating to the insertion of mezzanine floors within retail units in 2006 a number of certificates of lawful development applications were submitted in 2005 for the insertion of mezzanine floors (units 7, 13 and 18).

- In September 2007 planning permission was granted for external alterations to and construction of first floor within units 18 and 19 (Planning reference 07/01498/FULM)

- Certificate of Lawful proposed use was issued in relation to former BB's cafe to allow the unit to be used for class A1 retail. The certificate confirmed that the change would constitute permitted development and thus could take place without the need for planning permission.

- In November 2008 planning permission was granted for a variation of condition 3 (referred to above) of the original outline planning permission in relation to unit 18 (planning reference 08/01515/FUL) allowing the upper limit of 15000square foot to be increased to 15,210 square foot.
- Permission was submitted in March 2009 for external alterations and construction of first floor within unit 16, the Clarke's unit. No decision has been issued on this application.(planning reference 09/00580/FUL)
- In July 2010 planning permission was refuse for the erection of 3no retail buildings (total floor space 1440 sq m) for Class A1 (retail), and/or Class A3 (restaurants and cafes) and/or Class A5 (hot food takeaway) with modifications to existing car park, introduction of new servicing, landscaping and highway works (this was the resubmission of an earlier withdrawn application). The application was refused by planning committee because of loss of car parking and the loss of trees, including trees covered by a Tree Preservation Order (Planning reference 10/1012/FULM).
- In September 2010 permission was granted for the erection of 2 storey infill unit to create sandwich shop (use class A1), cafe (A3) Drinking Establishment (A4) or Hot Food Take-Away (A5) (planning reference 10/2058/FUL). This permission was subject to a restriction to the specified uses and no other use within class A.
- In May 2012 planning permission was refused for 8,693 sq.m. of new retail floor space and alterations to the planning controls within the park (planning reference 11/02199/FULM). Permission was refused for the development on three grounds :- The impact of the development on planned investment to the city and the vitality and viability of the city centre, the development represented a sequentially unjustified expansion of out of town shopping contrary to the advice within the National Planning Policy Framework and thirdly the development would result in increase in car borne journeys to and from the site without available and realistic sustainable travel alternatives, the loss of the insulated bus route and the failure to provide adequate cycle storage facilities would discourage rather than encourage alternative travel modes contrary to NPPF advice.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYSP7A - The sequential approach to development

CYSP9 - Action Areas

CYSP10 - Strategic Windfalls

CYS1 - Land allocated for shopping sites

CYS2 - Out of centre retail warehouse criteria

CYGP1 - Design

CYGP4A - Sustainability

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - no objections subject to conditions and a unilateral undertaking/ section 106 to provide a contribution towards travel plan monitoring system.

3.2 DCDS - Sustainability Officer - A commitment to BREEAM very good and 10% renewable should be sought and secured by condition for individual proposals over 1000 sq. m.

3.3 Since the original comments, can now confirm that the BREEAM pre-assessment from the applicant gives some commitment that the applicant will adhere (where feasible) to the BREEAM 'very good' requirements of the Interim Planning Statement (IPS) (2007).

3.4 However as a minimum standard of the IPS to achieve a sustainable development and the requirements of Policy GP4a, it is recommended that achieving BREEAM 'very good' requirement is subject to a condition. As the applicant has already demonstrated how they may achieve this through a BREEAM Pre-Assessment, the condition should only relate to the applicant needing to demonstrate at the Post Construction phase that at least a 'Very Good' rating has been achieved (where this is not feasible this needs to be demonstrated to and agreed by the LPA in advance of occupation).

3.5 In terms of the renewable energy requirements, it is understood that the tenants would undertake the remaining fit out as per their requirements. However, and in order to apply the IPS fairly, an overview of renewable / low carbon technologies

that have been considered for the refurbishment should be provided . A condition is suggested to require the 10% on site generation , but with amended wording to state that should 10% be demonstrated as unfeasible, a lower minimum figure shall be agreed.

3.6 Integrated Strategy Unit - Based on the Deloitte review of the proposal there is no policy objection to the proposal.

3.7 Economic Development - No objection provided sufficient efforts are undertaken to secure the presence of occupying retailers in the city centre to ensure the retail offer of the city centre is not compromised.

3.8 Environmental Protection - . Paragraph 35 of the NPPF states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Additionally October 2012 City of York Council formally adopted a Low Emission Strategy to transform York into a nationally acclaimed low emission city. A condition is proposed requiring 6 electrical recharging points within the car park area and a plan for their maintenance. No objections are raised to the scheme.

EXTERNAL

3.9 Police Architectural Liaison Officer - No objections or concerns

3.10 York Civic Trust - Object to the application as the Local Authority do not have an adopted local plan then guidance in the NPPF 'ensuring the vitality of town centres' should prevail. All the evidence from GVA report (June 2012) and DJD (March 2012) conclude that there will be further adverse impact on the vitality of city centre retailing. The application should be refused.

3.11 Harrogate Borough Council - No objections

3.12 Environment Agency - No Objections

3.13 Highways Agency - No objections

3.14 Eight Letters of objection have been received covering the following points:-

- More than enough retail outlets in the area
- Monks Cross is a blot on the landscape, plenty of empty shops in the middle of York, use them
- More should be encouraged in the centre of York
- Wonderful city centre that will close because coaches will go to out of town centre sites. Locals will no longer have a reason to come into York City centre at all.

- York will soon be the very same as all other towns across the country
- City does not need more out of town shopping; does not need out of town stadium
- reality is city will be damaged and citizens do not want an unattractive stadium
- Tourism will be affected by empty shops- don't want to come to shopping malls exactly the same as their own dreary towns
- Stadium should be built at York Central - decent architects should be employed
- People without transport are neglected
- Supermarkets have already killed much of local use of city centre shops.
- Town and city centres are already greatly disadvantaged by car parking restrictions compared to out of town development
- The addition of extra retail floor space here is unnecessary and will further damage retailers in York and surrounding towns such as Selby, Malton, Tadcaster & Pocklington

3.15 One letter of support:-

- no objections to this application but against future out of town shopping.

4.0 APPRAISAL

4.1 Key Issues:-

- Policy background
- Principle of the development considering the sequential test and retail impact assessment
- Economic Development -Employment
- Design and Landscaping
- Highways, parking and access arrangements
- Sustainability - Building Design
- Flood risk and drainage
- Conditions and obligations

Policy Background

4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied and confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a development plan is not up to date Local Planning Authorities should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

4.3 The Ministerial Forward to the NPPF highlights that sustainable development is about positive growth, making economic, environmental and social progress for this and future generations. The policy framework sets a clear presumption in favour of sustainable development within every decision.

4.4 The NPPF retains and defines the 'presumption in favour of sustainable development' as the "golden thread which runs through both plan-making and decision. It is defined in the NPPF by five principles as set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly."

4.5 The NPPF says the Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy;
- a social role, supporting vibrant and healthy communities; and
- an environmental role, protecting and enhancing our natural, built and historic environment

4.6 The NPPF states Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground. It also states that Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

4.7 The document states that Planning should promote the vitality of main urban areas and encourage the effective use of previously developed land providing that it is not of high environmental value. It should promote mixed use developments, support the transition to a low carbon future, actively manage patterns of growth and focus significant development in locations which are or can be made sustainable (Para. 17).

4.8 Specifically, Para 23 states that it is important that the needs for retail uses are met in full and not compromised by limited site availability. Well connected appropriate edge of centre sites for main town centre uses (which include retailing) should be allocated where suitable and viable town centre sites are not available. If these cannot be identified, policies for meeting the identified needs in other accessible locations that are well connected to the town centre should be set as well as policies for the consideration of proposals which cannot be accommodated in or adjacent to town centres. The quantitative and qualitative need for land / floorspace for retail development should be assessed through the evidence base for making Local Plans, as should the role and function of town centres, the relationship

between them and the capacity of existing centres to accommodate new town centre development (Para. 161).

4.9 In promoting healthy communities, paragraph 70 seeks to ensure that planning policies and decisions should ensure that established shops are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

4.10 Specific aspects of the NPPF relevant to this application are; paragraph 19 says that significant weight should be placed on the need to support economic growth. Paragraph 24 requires a Sequential test for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered (note: there is no specific test of viability). When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Flexibility should be demonstrated on issues such as format and scale.

4.11 Paragraph 26 requires an Impact assessment for retail (and leisure and office) development outside of town centres which are not in accordance with an up-to-date Local Plan. An impact assessment is required if the development is over a proportionate, locally set floorspace threshold (if no such threshold, then 2,500 sq.m is the default). The assessment should cover the impact of the proposal on:

- Existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.
- Town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

4.12 Paragraph 27 says where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

4.13 Section 4 of the NPPF promoting sustainable transport says 'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be

prevented or refused on transport grounds where the residual cumulative impacts of development are severe (para.32).

4.14 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas. (para.34)

4.15 Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport (Para 35).

4.16 A key tool to facilitate this will be a Travel Plan. All developments which generate significant amounts of movement should be required to provide a Travel Plan (Para.36).

4.17 Paragraph 56 says the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

4.18 The NPPF in section 10 sets out guidance on meeting the challenge of climate change, flooding and coastal change. It says Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations (para.94).

4.19 Section 10, paragraph 96 says in determining planning applications, local planning authorities should expect new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

4.20 Paragraph 203 relates to the use of planning conditions and says Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

4.21 The following policies within the Development Control Local Plan (2005) relate to retail development:-

- Through policy SP7A, the Plan seeks to ensure that development outside York City Centre is highly accessible by non-car modes of transport, taking a sequential approach for new retail development; the hierarchy for retailing starting with the defined Central Shopping Area, then edge-of-city centre sites or Acomb or Haxby District Centres, than in other out-of-centre locations that are genuinely accessible. The policy does not permit individual retail units in out-of-centre locations of less than 1,000 sq.m net sales area. For major shopping developments outside the Central Shopping Area, evidence of retail impact will be required to show that the proposal would not, together with other recent and proposed developments, undermine the vitality and viability of York City Centre's predominant use as a sub regional shopping centre, the defined Central Shopping Area, or the Acomb or Haxby District Centres. Policy SP7B states that York City Centre will remain the main focus for retail development and that the Central Shopping Area, as shown on the proposals map, will be the City Centre for retail purposes in terms of the sequential test and will be the focus for retailing activity.

- A number of sites are identified for mixed use developments that include retail use, including at Hungate, Heworth Green and Castle Piccadilly (Policy SP9).

- Strategic windfall sites, where consistent with other policies, will be appropriate for retailing where located in the most sustainable areas, defined as within 400m of a transport mode or park-and-ride, under Policy SP10.

- Policy S1 allocates Castle Piccadilly for comparison goods retailing to meet the need for new retail development to 2011 and sites are allocated at George Hudson Street for comparison / convenience goods retail and at Foss Island for convenience / bulky goods retail.

- Under Policy S2, planning permission will be granted for out-of-centre retail warehouses or retail warehouse parks provided that no development has a net sales floorspace of less than 1,000 sq.m and shall be not subsequently subdivided, with restrictions on the primary retail use.

- Policy YC1 designates York Central as an Action Area to provide a modern central business district and new residential community. The accompanying text relates to local retail uses being of appropriate scale to meet the new resident and workforce population and any locally deficient surrounding communities.

- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

- GP4a 'sustainability' supports the aims and objectives of the NPPF as well as providing policy on the location and design elements of sustainability.

4.22 The Interim Planning Statement (IPS) on sustainable design and construction supports and supplements policy GP4a. This IPS requires all commercial development over 1000 sq.m to achieve BREEAM 'very good' and 10% of expected energy demand to be provided through on site renewable generation.

4.23 The Core Strategy has been withdrawn and the policies within it are not relevant to the consideration of the proposals.

4.24 The emerging new local plan through policy R4 seeks to restrict further out of centre retail unless small in nature (less than 200 sq.m) and evidence is submitted to show that proposals will not impact on the city centre vitality and viability.

4.25 The Local Planning Authority commissioned a report from Drivers Jonas Deloitte (DJD) to inform the policy response to the original retail application on this site and the Oakgate application approved on Monks Cross south relating to new retail development and community stadium (March 2012). DJD have been employed by the policy team to assess the submitted retail information in relation to this amended proposal. Their response has been incorporated into the assessment below.

PRINCIPLE OF THE DEVELOPMENT CONSIDERING SEQUENTIAL TEST AND IMPACT ASSESSMENT

4.26 The proposal relates to 4,410 sq.m of additional retail floor space created by the introduction of mezzanines within the existing buildings, the creation of two large anchor units one with a floor area of 2,792 sq.m (30,052 sq.ft) and one with a floor area of 3,264 sq.m (35,133 sq.ft) and the sub-division of unit 16 to create two smaller units of 469 sq.m each. The proposed occupants operate class A1 retail operations, none of the proposed units could be defined as bulky good operators. The two larger units could not operate from the site under the current planning restrictions because of the planning conditions attached to the outline planning permission under condition 3 referred to in paragraph 1.6 above restrict the goods to

be sold in units over 1,393 sq.m (15,000 sq.ft) and the smaller units could not be created because the same condition restricts the minimum unit size to 929 sq.m (10,000sq.ft.).

4.27 The application is supported by a planning and retail report addressing the sequential test and impact assessment and also sets out the business case for the change in the unit size and occupancy and the, retail and planning benefits of the development.

4.28 Business Case- The planning and retail report says:-

- There is a need for retailers to review their operations to respond to changing economic times and retail needs
- A number of units at Monks Cross Shopping Park (MCSP) are relocating to the Oakgate site (Marks and Spencers and Next vacating 4 units)
- Debenhams need to respond to the Oakgate scheme by increasing their offer at Monks Cross. It is their most successful out of centre store. Their city centre store will not be affected nor will their ability to consider new development if Coppergate 2 comes forward.
- Clarks' current unit size is inefficient (929 sq.m) furthermore the existing fit of the shop is outdated. Clarks wish to down size and carry out a full refit. The current unit is too large. Clarks have been operating from Monks Cross for 14 years and have maintained a city centre shop. There has been no discernible impact on the city centre shop. Clarks employ 47 people and the downsize will allow jobs to be maintained.
- Relocation of WH Smith and Sports Direct elsewhere into the park will maintain their presence at Monks Cross. Both stores also operate from the city centre.
- The unit operated by Arcadia includes Topman, Topshop, Miss Selfridge and Evans. Arcadia wish to reduce their floorspace, these fascias will be moving off the park.

4.29 In addition to the above business case there has been correspondence submitted by Primark which indicates that they are to take unit 1 within the development. The correspondence says that Primark have had a strong requirement for a presence in York for a considerable period of time. York is one of the largest major cities in the UK without a Primark; traditionally an investor in town and city centres, they are currently in negotiations for a site in the city centre; however this unit is smaller than they would normally occupy. It is considered that a York city centre store and one at MCSP will compliment each other as each site serves a slightly different catchment area; a dual store strategy is considered appropriate for York.

4.30 The planning benefits set out in the Applicant's planning and retail report can be summarised as follows:-

- The proposals will sustain existing employment at MCSP

- York New City Beautiful report notes that MCSP is an appropriate location to accommodate development that can not take place in the city centre.
- MCSP employs in the order of 1000 people a large proportion of these are drawn from the local area
- The proposal will create additional jobs
- The construction value of the project will be £5 m and will employ in the order 175 people
- The proposed scheme has the propensity to generate a turnover of circa £35m which if not retained by MCSP is likely to leak to other towns and cities.
- From a social perspective retail employment offers part time and flexible working hours which is ideal for those who find it difficult to get onto the employment ladder, the site is well located and highly accessible, the proposals will provide a good quality built environment with access to facilities that reflect community needs; improved consumer choice
- From an environmental perspective the proposals are within an existing retail destination, the proposal will be constructed to limit carbon emissions; the transport assessment demonstrates the high access credentials of the site; flood risk is low; the proposal will be an efficient and appropriate use of land

4.31 The applicant considers the retail issues that have a material bearing in considering both sequential test and impact assessment are that MCSP is an existing retail destination enhanced further by the Oakgate scheme; A large proportion of retailers have dual representation with the city centre; a number of operators are relocating to Oakgate from MCSP; MCSP provides a location for users that are inappropriate or too large for the city centre; The proposals will meet operator specific requirements; MCSP permissions are largely unfettered, there are no restrictions on first floors therefore each unit could install 200sq.m. without planning permission and then on an incremental basis; the scale and nature of the development could therefore be achieved over time; the proposal is complementary to existing uses at the park and the city centre; York city centre is physically constrained; previous larger schemes have been considered to have modest levels of retail impact on the city centre; previous application concluded that Castle Piccadilly was the only potential sequentially preferable site, this site has now stalled.

4.32 As set out in the NPPF there are two key policy tests relevant to the consideration of the retail impacts of the development. These are the sequential test and the impact assessment.

Sequential Test

4.33 A sequential test is a planning principle that seeks to identify, allocate or develop certain types or locations of land before others.

4.34 Under the NPPF, the sequential test is applied to main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The NPPF says that main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available, should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. No specific floorspace threshold is cited for the use of the sequential test. The twin facets of the test in the NPPF are suitability and availability. The previous consideration of viability referred to in former Government advice (Planning Policy Statement 4) is no longer referenced in dealing with planning applications.

4.35 The NPPF says that when undertaking the sequential test flexibility should be demonstrated on issues such as format and scale, both by applicants and by local authorities. There is no reference to car parking provision or the scope for disaggregation nor is there any direct reference that local planning authorities should take into account any genuine difficulties which the applicant can demonstrate are likely to occur in operating their proposed business model. However, it is considered that such issues can be considered through the requirement for applicants to undertake an assessment of format and scale.

4.36 Essentially this means that a proposal for an out-of-centre development that is not in accordance with an up-to-date development plan will fail this test if there are suitable and available alternative sites for retail development either in an 'edge-of centre' location or within existing centres.

4.37 The applicant has assessed 15 sites within York and provided a detailed assessment of five sites these are Castle Piccadilly; Hungate; Stonebow House; The Telephone Exchange and York Central. The March 2012 DJD report provided a summary of each of these sites. Of these sites the only site considered available within a reasonable period of time was Castle/Piccadilly. DJD concluded in the consideration of the previous application at MCSP there was evidence that there was a reasonable prospect of Castle/Piccadilly coming forward and that this site would be sequentially preferable to MCSP. In the period since the assessment was undertaken, planning permission has been granted for the Oakgate scheme, prompting the owners of the Castle/Piccadilly site to contend that a large scale retail led regeneration scheme is no longer viable here.

4.38 DJD conclude on this proposal that in light of the change in circumstances at the Castle/Piccadilly site, it is no longer considered available and suitable for development. Debenhams have a current commitment within the city centre and also an outstanding requirement, in addition to their proposed expansion at MCSP. Therefore their expansion at Monks Cross does not preclude their future investment in the city centre should a commercially viable opportunity arise. The confirmation from Primark that they will occupy unit 1 but also take a city centre unit helps to

confirm that there are two distinct markets and they will be locating in both locations to achieve their required overall floor space and serve both markets in due course.

4.39 In relation to the larger units, there is no sequentially preferable site for Debenhams as they are already represented within the city centre; their outstanding requirement is for MCSP. Primark propose to occupy both a city centre store and a store out at MCSP and on the basis of this dual representation, a store at MCSP is considered to satisfy the sequential test. However, conditions/agreements will need to be sought in order to have assurance that the city centre site will be occupied as well as MCSP (the city centre being sequentially preferable to the MCSP location). In relation to the two smaller units, the proposed occupiers have dual representation (city centre and MCSP) and have a specific business requirement for MCSP, therefore there are no sequentially preferable options for these units in the city centre or edge of centre locations. In principle therefore it is considered that subject to the formal agreement for occupation of the city centre site, there will be no sequentially preferable sites for the development.

Health Check Assessment

4.40 A Health Check assessment is as a tool used for assessing and monitoring vitality and viability of town and city centres. The NPPF is silent on their role, although DJD consider that 'they remain important in considering and judging the extent and significance of impacts'. The DJD report in relation to the previous application on this site included a health check assessment. The conclusions of that report are considered to be sufficiently recent to apply to this scheme. The March 2012 DJD report conclude that based on their assessment of the City Centre as a whole it is a 'vital and viable City Centre but with some particular issues of concern. The performance of the centre over recent years can be expected to have declined due to the general economic conditions, albeit that the evidence of decline is less pronounced than arguably is the case for other main centres. Larger units which have been brought to the market have tended to be reoccupied and vacancy levels overall are significantly lower than in many other centres. However there is concern about the vacancies arising particularly in peripheral 'secondary' streets. There is also concern that the levels of footfall are not growing and ongoing concerns regarding the cost of car parking'

4.41 There is an extensive array of out of centre facilities within York and the city centre has been able to maintain a competitive advantage in the face of that competition, in certain sectors. DJD state that some of the developments that have occurred at Clifton Moor, York Designer Outlet and MCSP are some of the larger, more significant shopping centre and factory outlet centres that have been built in the region. York city centre has around 138,600sq.m (1.49m sq ft) of city centre retail floorspace compared to around 148,600 sq.m (1.6m sq ft) in out of centre locations. Yet despite this, DJD conclude that the city centre has been able to withstand competition in certain sectors and provide a different, distinctive and

unique offer. However they conclude that maintaining that offer remains a significant challenge and the lack of available large floor plates has arguably held the city centre back from increasing its market share.

Impact Assessment

4.42 The purpose of the impact assessment is to consider the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made. The NPPF says proposals that are likely to have significant adverse impact on one or more of the above factors should be refused.

Impact on Existing, Committed and Planned Investment

4.43 The applicant says that the city centre is healthy and is performing well, vacancy levels are substantially lower than the rest of the country and there is quick occupancy of vacant buildings, there are no committed investments in the city centre although there are commitments at Monks Cross South, Arabesque House and JJB and former Wickes stores at Clifton Moor; in terms of planned investment the redevelopment of Castle Piccadilly is only in its infancy and there are no detailed comprehensive development proposals.

4.44 At the time of the last application on this site the investment in the Castle/Piccadilly site was underway with discussion taking place around a proposed scheme. The Castle/Piccadilly scheme is still part of the Local Plan commitment but there appears to be no short to medium term prospect of a comprehensive redevelopment being realised. All other retail commitments are in out of town locations and the city centre is considered to be performing well.

4.45 In considering the cumulative impact (derived now from committed developments) the greatest impact on the City Centre will clearly stem from the Monks Cross South development, originally assessed as having a trading impact of approximately 9% on the City Centre. However in considering the impact (including cumulative impact) of the current MCSP proposal this is influenced by the particular business need of the proposed occupiers for operating at MCSP which would not jeopardise any existing, committed or planned investment in the City Centre (subject to appropriate Section 106 / conditions), by the delivery of in-centre investment via the obligations, and the increased offer within the city centre which will enhance the vitality and viability of the City Centre.

Impact on City Centre Vitality and Viability

4.46 The second impact outlined in paragraph 26 of NPPF is the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

4.47 The methodology adopted by the applicant to assess the impact on vitality and viability is considered to be robust by DJD. DJD say that the impact assessment carried out by the applicants demonstrates that there would be uplift in trade across MCSP of about £2.5 m as a result of the proposal, this would equate to an impact of less than 0.5%. DJD conclude that by applying the more robust Household Survey data (undertaken in association with the Oakgate scheme in 2010) the uplift in trade would be about £11m but based on the trade diversions identified by the applicant the impact would still remain below 1%. Balancing the specifics of the proposal as set out in paragraph 4.45 alongside the low level solus impact of the proposed development and based on guidance within Paragraph 14 (presumption in favour of sustainable development) of the NPPF, DJD conclude that the proposals will not have a significant adverse retail impact.

ECONOMIC DEVELOPMENT - EMPLOYMENT

4.48 Paragraph 18, 19 and 20 of the NPPF headed 'building a strong, competitive economy' says 'the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

4.49 In terms of employment generation MCSP presently employs in the order of 1,000 people (directly and indirectly). A large proportion (82%) of those employed are drawn from the local area. There is a risk that a number of the retailers at MCSP may close their operation at the park if the landlord can not meet their requirements to modernise their units; this could result in the loss of 190 jobs. The proposals will create additional jobs in the order of 120 to 175 additional full time equivalent jobs; indirect jobs will also be created. The construction project will employ 175 people.

4.50 When considering the previous applications on this site and the Monks Cross South stadium-led scheme, it was concluded that some of the employment generation from the development would be diverted from the city centre and that retail development at MCSP would decrease retail use and increase leisure uses in the city centre. With the approval of the retailing at Monks Cross South the trade

diversion is a likely consequence, and there are already several city centre initiatives under way which recognise the need to support the likely change in the overall make-up of the city centre economy.

4.51 Given the conclusions above about the Castle/Piccadilly proposals, this application is no longer being considered on the basis of new retail employment opportunities in the city centre being lost to out of centre investment. Therefore in terms of the current emphasis on the need to support sustainable economic growth set out within the NPPF, the provision of additional jobs is a positive benefit to the scheme.

4.52 According to the Economic Development Unit, the scheme offers some direct benefits in the form of increased jobs, although any increase in retail jobs tends to result in a high rate of displacement, which mitigates the overall increase in jobs. The scheme offers an opportunity for a refresh of retail units in order to fit the expectations of modern retailers, contributing to the city's ability to maintain its position in the regional retail hierarchy and to continue to attract consumers from outside the city. However, the Economic Development Unit stresses the importance of making every effort to maintain the Debenhams presence in the city centre and to secure a city centre presence for Primark as well as a presence at MCSP as proposed in this application.

Conclusions on the Principle of the Development

4.53 It is Government's current policy position that new retail development should be provided within and adjacent to town centres and to pursue sustainable development. The NPPF requires new retail floor space to be considered against the sequential test and the impact assessment. Advice is clear that retail development should be located in towns/cities first. At the local level policies in the DCLP and the emerging new local plan both direct new development to the city centre first, although no weight can be attached to the new local plan at this time. The GVA retail report 2008 says that the Council should seek to resist any further out of town shopping. In a planning context this needs to be balanced against other relevant material planning considerations.

4.54 The proposed new floor space, and the requirement for larger and smaller units, are considered to be acceptable in relation to the sequential test given the acceptance that the Castle/Piccadilly site will not be brought forward in the foreseeable future and there are no other sequentially preferable sites that are suitable and available. Furthermore the development is not considered to have significantly adverse impacts on the city centre. These conclusions are based on the dual representation of specific retailers as proposed within the business case and subject to the imposition of appropriate conditions and legal agreements ensuring, dual representation of businesses at MCSP and city centre locations.

4.55 In terms of the current emphasis on the need to support sustainable economic growth set out within the NPPF the provision of additional jobs overall is a positive benefit to the scheme.

4.56 For the reasons set out above and in the context of NPPF advice the principle of the development can be supported subject to conditions that ensure the development is undertaken in line with the submitted business case.

DESIGN AND LANDSCAPING

4.57 The physical impacts of the scheme are limited. The development consists of the insertion of mezzanine floor space and the reconfiguration of external doors and window to accommodate the change in unit sizes. There will also be a corresponding change in the position of signage. Overall the design of the scheme will respond to the existing design detail on the MCSP. There are no concerns about the details of the scheme. The design of the scheme is considered to comply with advice in section 7 of the NPPF 'requiring good design' and GP1 of the DCLP.

4.58 The development will have no impact on the existing trees within the Centre, the majority of which are covered by a Tree Preservation Order.

HIGHWAYS, ACCESS AND PARKING

4.59 The application is supported by a Transport Statement (TS) and Framework Travel Plan (FTP), the scoping of which was agreed with officers. The trip rates used within the application have been derived by assessing the existing total floor area against surveyed traffic flows to establish a trip rate per 100m² gross floor area (GFA). Retail evidence demonstrates that mezzanine floors can generally trade at lower levels than the equivalent ground floor space. For the purposes of the TS the increase in floor area (4410m² GFA) has been assumed to trade at 50% of the existing ground floor.

4.60 Traffic surveys were undertaken during typical periods of operation of the retail park. The traffic surveys were supplemented by ANPR cameras which identified the numbers of vehicles carrying out cross visitation trips to other parts of the Monks Cross Retail Park (Argos/TK Maxx and Julia Avenue Units).

4.61 Trip rates and parking accumulation figures have been based upon surveys undertaken in 2011. In order to ensure that the figures are robust they were validated against data captured during the same period in 2013. This has identified that there has been a slight decrease in traffic flows at the retail park. As such it is considered that the use of the 2011 higher figures provides a robust assessment and are still valid for use.

4.62 As the development proposals seek to reconfigure an existing retail park, the increase in traffic generated by the additional floorspace will not be proportionate to the increase in floorspace. A significant number of vehicular trips associated with the development will either be; Linked Trips - customers already visiting the retail park who will visit multiple units, Pass-By - customers already on the adjacent highway network who call in to the site as part of a journey to somewhere else, Diverted - customers already on the highway network who deviate from their planned route to call in to the retail park. The actual numbers of vehicular trips considered to be new to this part of the highway network arising from the proposed development is anticipated to be in the region of 82 vehicles during the Saturday peak hour period. Given the existing background traffic flows on the adjacent highway, it is not considered that the potential increase will be detrimental to the free flow of traffic nor warrant junction/highway mitigation works. And this can be considered to represent a worst case scenario, as the application has been supported by a Travel Plan (TP) which outlines a number of measures which are to be implemented which seek to promote sustainable travel and reduce dependence on the private car. The TP has been audited by the Authority's TP officer who considers that the document is viable and has set challenging but achievable targets.

4.63 The main car park at MCSP offers 960 spaces. Car parking accumulation surveys were also undertaken during typical periods of operation. These surveys indicate that the car park occupancy, during a typical Saturday peaks at approximately 94% of it's available capacity (906 occupied out of 960 spaces). This peak represents the single worst 15 minute period throughout the survey. Outside of this peak much greater capacity is available.

4.64 As stated above the application has been supported by a Framework Travel Plan which will cover both the development proposals and the existing retail units on the park. As part of the development proposals the applicant is also proposing to provide the following initiatives/measures to promote sustainable travel and support the TP:-

- a) Improving the cycle parking facilities on the retail park in terms of numbers and quality of provision
- b) Improvements to the existing bus stop within the retail park including Kassel kerbs, BLISS real time bus displays, shelter and seating.

4.65 Travel Plans are often secured through planning permissions for speculative development where the specific travel needs of an end user have not been identified. Also there may be limited time available to the end user's appointed TP Co-ordinator. As such the Authority has invested in a software program (ionTRAVEL) which is an effective tool for monitoring and auditing the implementation of travel plans, helping to ensure that TP initiatives are implemented. Following negotiations the applicants have confirmed that they are willing to make a one-off contribution of £5000 to be secured through a S106 Agreement towards the use of the program. The contribution will provide for the TP

process to be managed by the Council's TP coordinator i.e. entry of all key data from the travel plan, targets and monitoring. There will be close liaison between the Council's TP coordinator and the business TP coordinator but it will much less labour intensive on the part of the site management, Increasing the likelihood of the secured TP being successful.

4.66 For the above reasons it is considered that the scheme will not have a detrimental impact on the adjacent public highway and as such officers raise no objections to the development from a highway perspective.

SUSTAINABILITY

4.67 There are clear objectives within the NPPF and within Local plan policies that see to secure sustainable development.

4.68 In accordance with the Interim Planning Statement on Sustainable Design and Construction the Sustainability Officer is seeking 10% renewables and a BREEAM very good assessment for all areas of development above 1000sq.m. The applicant has not committed to this within their energy and sustainability statement. In part this is due to the fact that they are working with existing buildings and may not be able to achieve the requirements proposed. The applicant advises that all units are independently serviced and fitted out by tenants to suit their own requirements. It is likely however for the scheme that they will use air source heat pumps as part of their fit outs , as the only really viable option for them to use. However it is considered that for consistency, conditions requiring both the very good BREAMM rating and the 10% on site renewable should be imposed upon any approval , albeit (given the particular circumstances) with the provision for a lower rating and percentage to be agreed if it can be demonstrated that and justified why the requirements cannot reasonably be met. .

4.69 The Energy and Sustainability Statement does provide commitments on many of the items set out in GP4a including zero to landfill, water consumption, sustainable transport modes, responsible sourcing of materials commitment to improve the energy performance certificate rating of buildings.

4.70 In addition to accord with the Council's adopted Low Emission Strategy (October 2012) a condition is sought to secure 6 Electric Vehicle Recharging Point. Such a requirement is considered to accord with the requirements of paragraph 35 of the NPPF the aim of which is to seek to protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

FLOOD RISK AND DRAINAGE

4.71 The development is in low risk flood zone 1 and should not suffer from river flooding. The Environment Agency have responded to the applicant regarding flood

risk, indicating that as the works are internal only with no increase in impermeable area, there will be no increase in flood risk to others and no flood risk mitigation measures are required.

CONDITIONS AND OBLIGATIONS

4.72 The conclusion to the DJD policy response on the application stresses the need to attach conditions that do not allow open A1 retail or more relaxed trading conditions than the Local Planning Authority intend.

4.73 The current planning conditions on MCSP control two main areas of development. Firstly that no units will be less than 929sq.m, and that those units above 1393 sq.m can only sell a restricted range of goods. Unit sizes between 929sq.m and 1393 sq.m have no restrictions on the goods that can be sold. The purpose of these conditions is to ensure that the offer within MCSP does not provide the full range of retail offer, thus reducing the overall impact of the development on the city centre. This application's proposals are justified in terms of specific operator need and the dual representation of the operators within (or proposed to be within) the city centre and within the MCSP. Therefore in order for the development to be supported, there needs to be a mechanism to ensure that the duality is realised and the level of impact from MCSP is limited to the levels identified.

4.74 A legal agreement is proposed that would include a requirement that unit 1 (Primark) is not opened for trade at MCSP until a lease agreement has been signed for occupation by a retailer of the available city centre store. In addition, in order to ensure that the impact on the centre is controlled, a condition specifying no subdivision without further consent would be proposed. A condition allowing ancillary food sales only would be imposed to mitigate the traffic impact.

4.76 For Unit 2, a similar condition as relevant to the existing Debenhams store would be imposed which restricts the amount of floor space for the sale of comparison goods. Again no subdivision would be permitted without further reference to the Council.

5.0 CONCLUSION

5.1 The development proposals for the creation of larger units at Monks Cross would subject to the conditions and the obligation as described above have an acceptable level of impact upon the existing planned and future investment in the city centre and upon the vitality and viability of the city centre. As such the development which would involve two operators having stores in the city centre as well as at MCSP, would be acceptable.

5.2 For unit 16 the existing Clarks store, the reduction in size to accommodate one of the displaced units from the development of the larger stores would be acceptable

as it would not to be reflected across MCSP and stems from a bespoke requirement of Clarks to reduce the extent of floorspace.

5.3 The impact of the development on the local highway network has been assessed taking into account the specific nature of the scheme which involves limited additional overall floor space, and the proposed travel plan mitigation measures. Subject to the contribution towards the 'ionTRAVEL' Travel Plan software program and the implementation of the travel plan, the development would it is concluded have an acceptable impact on the local highway network.

5.4 Because of the nature of the application and the existing buildings the applicant has sought to demonstrate that it would be difficult achieve the on site renewable requirement of 10%. However it is suggested that conditions still be imposed requiring a Very Good BREAMM rating and 10% on site renewable energy generation, unless it is can be fully justified why a lower rating and percentage should be accepted.

5.5 Subject to conditions as set out below and to a section 106 agreement to secure:-

- i) evidence that an agreement for lease has been entered into for the City Centre Site to a retail operator
- ii) A contribution of £5000 towards the 'ionTRAVEL' Travel Plan program,

the application is considered to be acceptable in planning terms.

6.0 RECOMMENDATION: Approve subject to S106 Agreement

Conditions:-

1 TIME2 Development start within three years -

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

to be confirmed

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

3 VISQ8 Samples of exterior materials to be app -

4 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall not be occupied until the

cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

5 No new floorspace hereby approved shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the LPA. The travel plan shall be developed and implemented in line with local and national guidelines and the submitted Travel Plan dated May 2013. The Monks Cross Retail Park shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of any of the new floorspace hereby approved a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

6 Prior to the commencement of development hereby approved details of improvements to the Bus Stop on the Eastern arm of the main retail park as indicatively shown on Mountford Piggot Development Principles drawing 1041-X01-DP-03-J shall be submitted to and agreed in writing with the Local Planning Authority. Prior to first occupation of any of the new units or floorspace created through the granting of this planning consent the aforementioned improvements shall have been implemented and be available for use.

Reason; In the interests of promoting sustainable travel

7 Before the occupation of the retail accommodation six (6) Electric Vehicle Recharging Point shall be provided in a position to be first agreed in writing by the Council. Within 3 months of the first occupation of the accommodation, the Owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 25 years

Note : Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to

provide for an additional Electrical Vehicle Recharging Point. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Also, to prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development in agreement with the Local Planning Authority. This ties in with a key theme of the NPPF, in that developments should enable future occupiers to make green vehicle choices and it explicitly states that 'developments should be located and designed where practical to incorporate facilities for charging plug in and other ultra low emission vehicles'.

REASON: To promote and facilitate the uptake of electric vehicles / bikes / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

8 Units 1 & 2: The premises shall only be used for non-food retail purposes and for no other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order, other than where ancillary to the principal use of the premises for the sale of authorised goods. For the purposes of this condition, 'ancillary' is defined as not exceeding 15% of net retail floor space in any one unit.

Reason: In the interest of the vitality and viability of York City Centre in accordance with the provisions of the National Planning Policy Framework, and policies SP6, SP7a, SP7b and S2 of the City of York Draft Local Plan 2005.

9 Notwithstanding the provisions of Class A1 to the schedule of Town and Country Planning (Use Classes Order) 1987 (or any subsequent re-enactment), no more than 2780 sq.m net floorspace within Unit 2 shall be used for the sale of clothing, footwear, handbags, fashion accessories, watches, jewellery, silverware, music and video equipment including videos, DVDs, CDs, audio cassettes and records, mobile phones and other household / personal telecommunications equipment, cameras and other photographic equipment, domestic TV, video and hi-fi equipment, and toys.

Reason: In the interest of the vitality and viability of York City Centre in accordance with the provisions of the National Planning Policy Framework, and policies SP6, SP7a, SP7b and S2 of the City of York Draft Local Plan 2005.

10 Neither Unit 1 or 2 shall be subdivided following implementation of this permission and no further internal floorspace shall be created.

Reason: In the interest of the vitality and viability of York City Centre in accordance with the provisions of the National Planning Policy Framework, and policies SP6,

SP7a, SP7b and S2 of the City of York Draft Local Plan 2005.

11 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Where it can reasonably be demonstrated that a very good rating not feasible, full justification for the lower rating shall be submitted to and agreed by the LPA prior to occupation. Should the development fail to achieve a BREEAM standard of 'very good' or the agreed alternative rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

12 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate that no less than 10% of the development's predicted energy requirements will be provided from low or zero carbon technology. Where it can reasonably be demonstrated that 10% requirement is not feasible, full justification for the lower minimum percentage shall be submitted to and agreed by the LPA prior to occupation. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter must be maintained to the required level of generation.

Reason: In the interests of achieving a sustainable development in accordance with the requirement of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

7.0 INFORMATIVES:

Contact details:

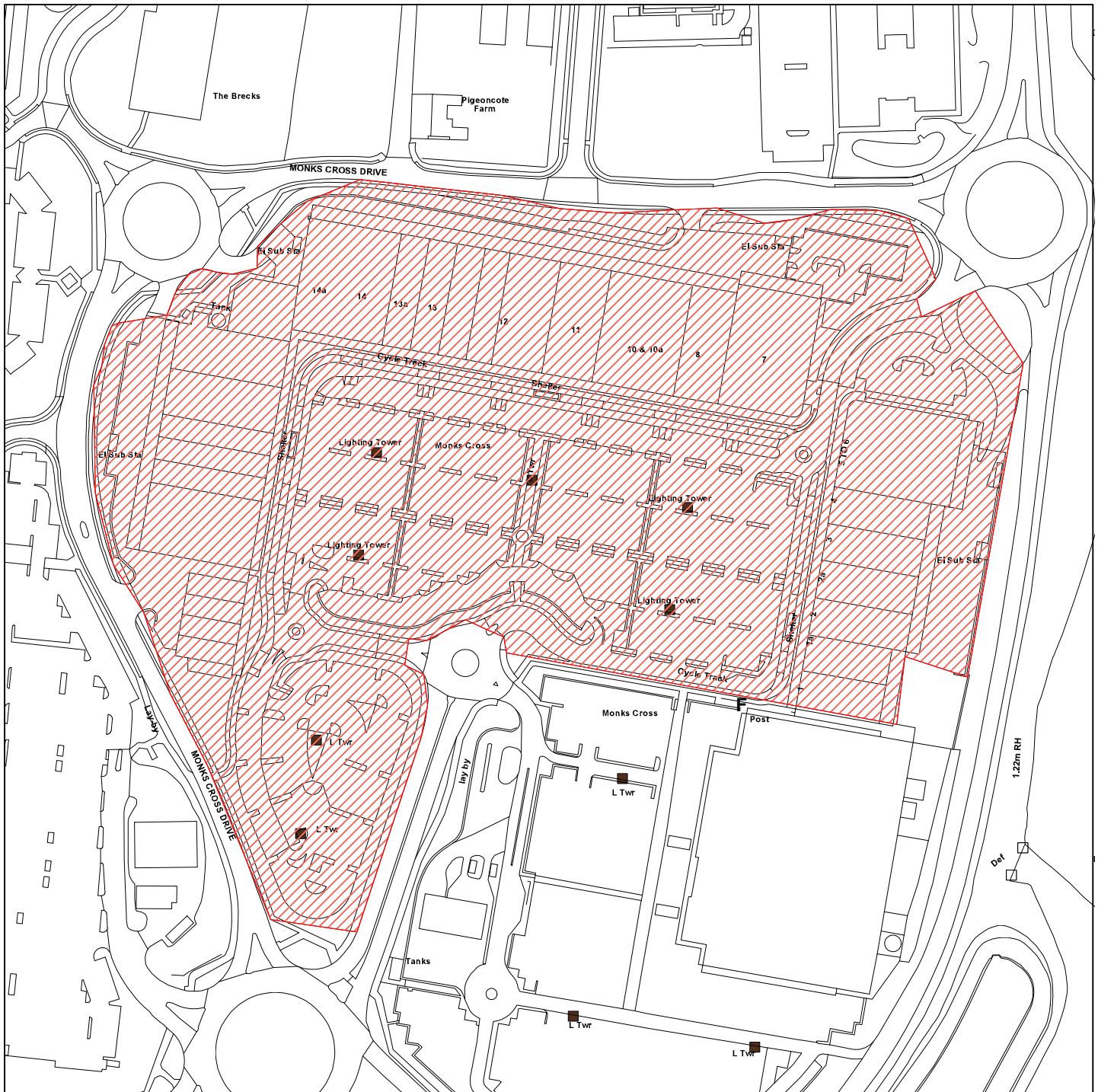
Author: Diane Cragg Development Management Officer (Mon/Tues/Wed)

Tel No: 01904 551351

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13/01559/FULM

Monks Cross Shopping Park Trust



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	12 August 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 22.8.2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 13/01916/FULM
Application at: Yorkshire Evening Press 76 - 86 Walmgate York
For: Erection of 1no. three storey and 1 no. four to seven storey block and the conversion of Wards Warehouse to provide student accommodation (648 student rooms and management facilities); the erection of a 3 storey office (class B1), extension to the Poads Building and the provision of associated cycle and car parking facilities and landscaping works
By: Mr Chris Hale
Application Type: Major Full Application (13 weeks)
Target Date: 3 September 2013
Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The proposals affect the York Press site, located at Walmgate and Wards warehouse. The Press site incorporates the frontage building onto Walmgate, the attached Poads building (on the corner of Walmgate and Hirst's Yard), the redundant former print works within the site and a storage building which is next to the river. The remainder of the site is car parking.

1.2 The Poads building and Wards Warehouse are currently vacant. The Wards building has planning permission to be converted into residential (Permission renewed in 2013 - 13/00451/FULM for 10 apartments).

SURROUNDING AREA

1.3 A residential development (Dixons Yard) adjoins the western boundary. The blocks which adjoin the site are the riverside block; 4 floors above car parking, and the block behind, which is part 3, part 4 storey in height.

1.4 Melrose's Yard (to the rear of properties fronting onto Walmgate) also adjoins the western boundary. The building is 3-storey; used as a recording studio and offices. 74 Walmgate is next door to the site. The building accommodates a commercial use at ground floor level, with flats above.

1.5 There is student accommodation development to the east of the site. The site accommodates up to 502 students and buildings vary in height between 3-storey and 7-storey.

1.6 Womald's Cut is immediately north of the site. On the opposite side of the river is the Grade 2 listed Navigation Wharf. The building accommodates car parking and offices on the lower levels, residential above.

1.7 The site is within character area 15 within the Central Historic Core Conservation Area Appraisal. The appraisal describes the area, noting that along Walmgate are C18 and C19 developments, now in commercial and residential use, whilst the area behind and the Press site contains 'backland development' and modern residential and office blocks. Historically next to Womald's Cut were larger warehouses and industrial uses. The 'Poads' building and 'Wards' warehouse (on Hurst's yard) are identified as 'Buildings of Merit'. In terms of key views within the area, of note there is a strategic view of The Minster from the City Walls, looking over Walmgate.

PROPOSALS

1.8 It is proposed to develop the site for student housing and relocate the Press offices within the Poads building. The C20 Press buildings and later additions to the rear of the Poads building (84-86 Walmage) would be demolished.

1.9 There would be a replacement frontage building along Walmgate, which would be 3.5 storey in height. The Poads building (nos. 84/86) and Wards warehouse would remain, with extensions added to the rear of each. Within the site would be a G-shaped block which would vary between 4 and 7 storey in height.

1.10 The Poads building would be refurbished, converted and extended to create 630 sq m of offices for the relocated Newsquest (Press) operations. Previously the site accommodated 2,464 sq m office space. All existing staff would remain on site.

1.11 The student accommodation would be managed by Student Castle who operate similar scaled developments in other cities. The accommodation would have capacity for 648 students. There would be a management and communal area/reception within the ground floor of the building that would face onto Walmgate.

1.12 The site would provide 9 car parking spaces (down from 91) and 324 cycle spaces, with room for further spaces if demand required.

1.13 It has been determined that an Environmental Impact Assessment would not be required for the proposals – see application 13/00971/EIASN.

1.14 The applicants undertook a public consultation exercise prior to submitting the application this is detailed in 3.13.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

Conservation Area GMS Constraints: Central Historic Core

Contaminated Land GMS Constraints

Floodzone 2 GMS Constraints

Floodzone 3 GMS Constraints

2.2 Policies:

CYED10	Student Housing
CYE3B	Existing and Proposed Employment Sites
CYSP3	Safeguarding the Historic Character and Setting of York
CYGP1	Design
CYGP3	Planning against crime
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE10	Archaeology
CYT4	Cycle parking standards
CYL1C	Provision of New Open Space in Development
CYNE2	Rivers and Stream Corridors, Ponds and Wetland Habitats
CYNE8	Green corridors

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Officers support the scheme. It is deemed there would be a positive impact on the conservation area.

- The scheme optimizes the potential of an underused site within the Central Historic Core conservation area. Buildings of merit (currently vacant) would be retained and reused.
- The impact of the scheme on street level views has been demonstrated as being positive.

- The scheme would not undermine the riverside setting and public views of Rowntree Wharf. These views are mainly experienced from the walkway on the north bank, though there is also a glimpsed view of the tower from Foss Bridge.
- The historic skyline of York and the dominance of the Minster have special protection within policy. Photomontages have been produced to examine viewpoint 14 - from city walls near Walmgate Bar, and viewpoint 16 - the panorama from Clifford's Tower (ref Central Historic Core conservation area appraisal, strategic views analysis). In both these views the new roofscape would appear varied with the highest point being compatible with the ridge of Rowntree Wharf. The scheme would not block church towers visible within the existing panoramas, nor would it be seen close to, or competing with, the Minster. The panorama from Clifford's Tower also shows that a distant tree-lined backcloth would be maintained.

SUSTAINABILITY

3.2 Officers advise that the applicants have demonstrated that the proposed low/zero carbon (LZC) technology; CHP could provide some 20% of the buildings energy demand. As such the proposals would adhere to the Sustainable Design and Construction IPS requirement to achieve at least 10% of the expected energy demand for the development through on site LZC technology. Conditions should require this is achieved and that BREEAM Very Good is achieved for the student accommodation.

ENVIRONMENTAL PROTECTION UNIT

3.3 No objections. Make the following recommendations -

- The site is close to a number of noise sensitive properties. As such a condition is recommended that a construction management plan is approved by the Local Planning Authority and that times of construction are restricted.
- It is asked that any associated plant/machinery associated with the proposed development does not exceed 5dB above the existing background level
- Internal noise levels should meet WHO standards and a condition is recommended to ensure this.
- An electric vehicle charging point is requested on site.
- Details of lighting to be agreed, to avoid light pollution.
- With regards land contamination a site investigation is required, followed by remediation if necessary. This should be secured through a planning condition.

HIGHWAY NETWORK MANAGEMENT

3.4 Officers have no objection to the proposed development in principle and are content with the proposed traffic management plan. Officers raise the following issues:-

- It is asked for a contribution towards amending road traffic orders in the area, if, when the development is operational on street parking materialises to be a problem.
- All the cycle parking is shown in one area and preferably there would be an area in each of the blocks.
- A Travel Plan should be developed which clearly sets out how use of the cycle parking will be monitored and the relevant trigger criteria for the introduction of further cycle parking. The TP should provide details of how sustainable travel will be promoted and detail the type of information that will be supplied in a welcome pack to students highlighting sustainable travel and preventing vehicles being brought to the city by students. Given the size of the office element of the scheme a TP for this part of the site would not be required.

PUBLIC REALM/OPEN SPACE OFFICERS

3.5 Ask for a contribution towards amenity open space and sports provision which would be used on schemes within the locality.

ENGLISH HERITAGE

3.6 English Heritage initially raised concerns that the building would be too high; it would have an adverse impact on panoramic views from Clifford's Tower, removing views of church spires and the Navigation Wharf tower.

3.7 English Heritage later confirmed they were content with the revised scheme (which reduced buildings in height) and following further information provided (photomontages). EH confirmed that this information demonstrated that the proposed development would appear to sit comfortably within the roofscape, below the skyline; it would not obscure views of churches, nor the Navigation Wharf tower. The information also demonstrated that the view of the Minster from the City Walls, past Walmgate (key view 14 in the Central Historic Core Conservation Area Appraisal views analysis), would not be impeded.

3.8 EH welcomed the retention and re-use of the Poads and Wards buildings, which are identified as being buildings of merit in the Central Historic Core Conservation

Area Appraisal. EH also noted that the proposed development would sit comfortably within the Walmgate streetscape.

ENVIRONMENT AGENCY

3.9 No objection. Ask that the development be carried out in accordance with the supplied Flood Risk Assessment and ask that the applicants are informed that formal consent will be required from the EA for any works within 8m of the river.

POLICE ARCHITECTURAL LIAISON OFFICER

3.10 No objection. Officers note they were consulted as part of the design process and the scheme considers secure by design approaches in terms of providing good natural surveillance and controlling access.

RIVER FOSS SOCIETY

3.11 Object. At the time of the planning application for the development of Gray's Wharf the society pressed for a green edge: even the inadequately narrow strip that was promised has failed to materialise, with stark results. The present proposal would turn Wormald's Cut into a dark, windy and rather pointless dead end, whereas with a more sympathetic approach it could enhance the natural environment and provide a pleasant amenity.

YORKSHIRE WATER

3.12 No objection.

PUBLICITY

3.13 The applicants undertook a public consultation exercise in May prior to submitting the application. Two public events were held, which were advertised locally and in The Press, and Local Councillor were informed. The events attracted around 60 visitors. The feedback is summarised as follows -

Support for:

- Re-use of site
- Providing student housing in a managed environment
- Reducing pressure on private housing
- Providing employment
- Improved frontage along Walmgate

Concern about:

- More students in the area - noise and management issues

- Disruption during construction
- Loss of light and privacy for residents of Navigation Wharf / over-development / excessive height of the proposed building
- Canyon effect of the River Foss
- Effect on property values
- Loss of three trees
- No affordable housing on the site
- No riverside walk
- Trespass onto Navigation Wharf
- Traffic
- Loss of employment use of site

3.14 As a consequence of the publicity when the planning application was made there are 16 objectors to the scheme, including the Navigation Wharf residents association. The grounds of objection are as follows -

Proposed use / loss of employment land

- No evidence of a lack of demand for the office facilities.
- Excessive concentration of students within the locality would have a fundamental impact on the character of the area. This area is over represented with students already. There is no other residential area in the city that is being developed for such concentrations of students and there has been no open and transparent debate about whether this is good or acceptable in the long run for the existing community.
- There is no evidence to suggest that freeing up private accommodation from students will automatically enable that accommodation to be used for families. Landlords can gain more income from letting to students living in private houses than they can from families and often do not want to change their niche role from letting to students.
- Neighbours seek comfort that the developers - Student Castle are capable of adequately managing the site. In particular due to its scale.
- There should be a mix of house types and tenure in such a large development.
- Lack of community benefit. Few jobs will be created and the development would create nothing to the amenities in the locality and no affordable housing - which is much needed in the city.

Design / scale

- The proposed development is too large. The building will block views of Navigation Wharf, a local landmark. The scale of the adjacent development does not justify more building of this scale and the listed wharf building should remain a dominant building in this setting.
- The existing pattern of Walmgate is of historic buildings of human scale and there are occasional views between buildings and the river. The scale of this building and its continuous length would be contrary and harmful to the historic setting.
- The building would not respect its setting. Zinc should not be used; the roof should be pantile and the building of a more intimate scale.
- The building is not of an acceptable quality to justify a building of such scale.
- Loss of trees which add to the character of the area.
- A more balanced scheme would be of better benefit to the locality, which would be less dense and would provide more green areas, like at the adjacent student site which is more open and landscaped.

Amenity of surrounding occupants

- The building would be over-bearing and lead to a loss of light. There would be overlooking and a loss of privacy suffered by residents of John Walker House (the neighbouring building to the immediate west of the site).
- There is already noise disturbance in the area due to the existing number of students and this problem will be exacerbated.
- The erection of an unbroken wall of tall buildings along the riverside creating a long narrow tunnel with undoubted consequences for noise and damage from high winds.
- Concern that foundations for the structure and the demolition proposed may have an adverse effect on neighbouring buildings.
- Disruption during construction. In particular from the music studios in Melrose Yard.
- Anti-social behaviour and litter.

Impact on highways

- Concern over disruption at the beginning / end of term
- Lack of visitor parking in the locality

Ecology

- The building should be set back from the riverbank. As proposed there would be a loss of any suitable habitat features on this part of the Foss.

Public Consultation

- This was a PR exercise only and the concerns raised have been ignored. There were no alterations made to the scheme presented at the public consultation, despite concerns raised.

4.0 APPRAISAL

4.1 KEY ISSUES:-

- Principle of the proposed use
- Design, visual impact on the conservation area
- Residential Amenity
- Flood Risk
- Highway Network Management
- Sustainability
- Archaeology
- Open space
- Contamination
- Ecology

PRINCIPLE OF THE PROPOSED USE

4.2 The key issues in this case are whether the loss of employment land is grounds to resist the application and whether the proposed use - managed student accommodation is appropriate at this site, in particular considering the amount of similar development in the immediate locality.

Loss of employment land

4.3 The loss of employment land cannot reasonably be considered to present sufficient grounds to resist the planning application. The regeneration of the site complies with planning policy on the following grounds -

4.4 Local Plan policy E3b seeks to safeguard all existing employment land. However the National Planning Policy Framework specifically states that Planning Authorities should not safeguard employment land where there is no reasonable prospect of the site being used for that purpose. Recent legislation has gone a step further in making a change of use from offices to residential permitted development, and there is a drive to significantly boost housing supply in sustainable locations.

4.5 The applicants have been trying to develop the site for the last 7 years and this is the first scheme that is viable and deliverable. The Press offices would remain on-site. The remainder of the site is no longer required, as the printing and distribution elements have relocated. The proposals are therefore consistent with the NPPF which states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. It is therefore felt that it would be difficult to resist the part loss of the site to employment use under draft local plan policy E3b

4.6 The NPPF requires Local Planning Authorities support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Purpose built student accommodation is demonstrably in demand in the city, funding has been secured and sites have been developed recently for St Johns at Hungate (Carmelite St) and the site adjacent the Press site and there have been other private developments along Hull Road. The city centre is an appropriate location for such development as it is within walking distance/well linked by public transport to the universities.

4.7 There are heritage benefits in that buildings identified as being of merit in the Central Historic Core Conservation Area Appraisal (Poads and Wards) will be refurbished and brought into active use. The buildings have previously been vacant/under-used as it has not been possible to find them a viable use.

Whether student accommodation would have an acceptable impact on the locality

4.8 The relevant policy in the Local Plan is ED10 which relates to student housing. The policy advises that proposals for off-campus residential accommodation will need to meet the following criteria -

- There is identified need
- The universities are accessible from the site
- The development is of appropriate design
- The would not be a detrimental impact on nearby residents

4.9 There are around 20,000 students attending full time courses in York. By October 2013, there will be around 7,120 bed spaces in dedicated student accommodation (provided by the higher education establishments and the private sector). Whilst a certain percentage of students will at some point want to be in private accommodation, rather than managed residencies, there is clearly a demand in the market for the type of accommodation proposed. The developers are confident the proposals are viable and this view is not challenged. If in future demand were to change the building(s) could easily be converted or adapted to provide different house types. A condition would require this to be considered through a planning application as such a change may also trigger the need for affordable housing and education contributions.

4.10 Both universities are easily accessible from the application site. Design is discussed elsewhere as is the impact on surrounding occupants as a consequence of the proposed building.

4.11 Objections have been raised that there would be an undue concentration of students in the area, which would alter the character of the area. The proposed development could accommodate 648 students. The site next door can accommodate 502 students and the new development on Carmelite Street, which will be occupied from September this year, will have 258 rooms.

4.12 Considering this issue, the proposed development would, as the other developments nearby have, bring regeneration; long-term vacant/underused buildings and sites have been brought back to life and new buildings added which make a positive contribution towards the setting. The increase in population benefits local businesses.

4.13 The student accommodation adjacent to the site has been operation for sometime now. The site is managed on a 24-hour basis and there is regular dialogue with the community police. This is the proposal for this site also. The Environmental Protection Unit and the Police have not raised any concerns over introducing further student accommodation. It has not been reported that there has been a material impact on crime and anti-social behaviour and the Environmental Protection Unit have not reported complaints of disturbance as a consequence of the student population. Evidence suggests that reasonably well managed student accommodation can operate without harm and overall have a positive impact on the locality.

DESIGN

4.14 The National Planning Policy Framework advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The site is in the Central Historic Core Conservation Area close to buildings recognized as being of national

significance (listed at grade 11), consequently new development must sustain or enhance the character and appearance of the area and respect building settings.

4.15 CABE and English Heritage publication: Building in Context considers a successful approach will:

- Relate well to the geography and history of the place and the lie of the land
- Sit happily in the pattern of existing development and routes through and around it
- Respect important views
- Respect the scale of neighbouring buildings
- Use materials and building methods which are as high in quality as those used in existing buildings
- Create new views and juxtapositions which add to the variety and texture of the setting.

4.16 The Local Plan places a high priority on safeguarding the historic setting and character of York. This is established in Local Plan policy SP3, which requires development to protect key historic townscape features and protect the Minster's dominance (in distant views) on the York Skyline and the city centre roofscape. These requirements are developed further in the Central Historic Core Conservation Area Appraisal which identifies key views within the conservation area and distant views of the Minster.

Walmgate frontage

4.17 The existing frontage building accommodates the Press offices and reception area. The building dates from the 1980's; it is a dominant building, being of larger scale, bulk and depth in plan in comparison to the older buildings which front onto the Walmgate. It is uncharacteristic of the street where typically there is a variety of smaller buildings creating a picturesque streetscape. Its deep plan is expressed in the broad blank gable visible from the corner of Hurst's yard. The building has not been identified as a detractor in the conservation area appraisal, though it is of too large a scale and quite bland to sit comfortably within its historic context.

4.18 It is proposed to replace the Press offices with a 3.5 storey building, which would provide a reception block at ground floor level, student rooms and ancillary facilities above. The building would have a direct access from Walmgate signalled by the recessed glazed bay and the copper clad dormer. Controlled access into the site is through the replacement underpass.

4.19 The building expresses itself in four component parts to simulate historic plot widths. Deeply recessed vertical windows provide rhythm along the street and cill and head bands are expressed at detailed level. The frontage building would have a

dual pitched roof, allowing the eaves to be lower than existing, and the massing, height, grain and general expression of the proposed frontage would be compatible with neighbouring historic buildings. The proposed block would be of greater merit than the existing building on site and it would enhance the streetscape.

Poads Extension

4.20 In order to provide adequate office floor-space within the development, a 3-storey extension between Poads and Wards is proposed, in replacement of single storey buildings to be demolished. The building's scale is transitional between the two buildings. The eaves level is aligned with the Poads building and the top floor is recessed/within the roof form.

4.21 The extension has been designed so as not to compete with the buildings to either side. It has a simple vertical bay rhythm of deep set windows and a separate glazed storey in the pitched roof. The new roof would be modelled to hide the plant equipment between the two new roof pitches.

Riverside /student block

4.22 The proposed buildings would be situated towards the edges of the site, and create landscaped areas within the centre of the site and along the vista down to Womald's Cut from Hurst's Yard. Buildings would cover approximately half of the overall site area.

4.23 The unbroken linear form of the building has been designed to enable internal escape routes to discharge to higher ground in case of flooding. Although there would be an overall increase in proposed built footprint (by approx a quarter of the existing area including block), hard surfacing would be significantly reduced, and soft landscaping (including tree planting) and the flood storage capacity would both increase.

4.24 The proposed building on its western side, adjacent Dixon's Yard is of five floors with the top floor set back under the low eaves line of the pitched roof. So on this side the building would be of comparable scale to Dixon's Yard. On the eastern side the building steps up to 6-storey. A short section forms a seventh storey in the NE corner adjacent to Gray's Wharf (approx 1/3 site width) and then the building steps down to 6-storey where it meets Wards. In each of these areas the top floor is within the roof form which has been amended and reduced in height (by around 1.7m) and scale since the original submission.

4.25 Building elevations are generally in brick with the base "grounded" by a rhythm of contrasting brick frames which project around groups of windows at low level to provide a hierarchy of scale. The massing is broken down and visual interest added by the series of the brick arches at low level and "pulled out" projecting gables and

oriel windows, which emphasize breaks in massing, turn corners on the building and address views along the river. Art-stone details would be used to highlight window heads and cills.

4.26 The pitched roofs would be in slate. Slate has been chosen as the roofing material as this blends in with the sky better than pantiles, and is therefore more appropriate on roofs of a large scale. The form has been simplified and reduced in height since the submission (typically the ridge level is 1m lower, the pyramid shaped roofs are approx 1.7m lower) and the highest part of the roof in the north east corner would be lower than the adjacent block at Gray's Wharf. Exposed gable ends are generally divided by vertical stacks clad in copper. Long eaves lines are broken with windows incorporated into an overhanging gantry form.

4.27 The building has sufficient level of interest and integrity over its extent to enable it to contribute positively to the character of the local area. It also draws on local materials, proportions and forms without using pastiche. It has greater merit in its architecture and landscape than the existing buildings and spaces of the site. Therefore it would enhance the character and appearance of the conservation area.

Views analysis

4.28 The impact of the scheme on street level views has been demonstrated as being positive.

4.29 The scheme would not undermine the riverside setting and public views of Rowntree Wharf. These views are mainly experienced from the walkway on the north bank (as identified in the Central Historic Core Conservation Area Appraisal), though there is also a glimpsed view of the tower from Foss Bridge.

4.30 The historic skyline of York and the dominance of the Minster have special protection within Local Plan policy SP3. Photomontages have been produced to examine viewpoint 14 - from city walls near Walmgate Bar, and viewpoint 16 - the panorama from Clifford's Tower (ref Central Historic Core conservation area appraisal, strategic views analysis). In both these views the new roofscape would appear varied with the highest point being compatible with the ridge of Rowntree Wharf. The scheme would not block church towers visible within the existing panoramas, nor would it be seen close to, or competing with, the Minster. The panorama from Clifford's Tower also shows that a distant tree-lined backcloth would be maintained.

AMENITY OF SURROUNDING OCCUPANTS

4.31 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

4.32 Local Plan policy GP1: Design requires that proposals have no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures. Policy ED10: Student Housing advises applications for off-campus accommodation must not be detrimental to the amenity of nearby residents.

Noise pollution

4.33 The noise surveys undertaken suggest that noise levels will reduce if the development were to proceed. There is currently night-time noise generated at the Press site due to vehicle movements/deliveries, which would cease.

4.34 An acoustic consultant has considered noise as a consequence of the 'tunnelling effect' of introducing a tall building by the river. In the opinion of the consultant there will not be an adverse noise effect if the proposed development were to proceed.

4.35 Rowntree Wharf Residents Association stated that there has been a problem with noise from Air-Sourced Heat pumps at the adjacent Grays Wharf student housing development. This has been investigated previously and it was found that the noise source was equipment at the Press site. The Residents Association were advised of this in writing in 2011.

Over-looking, over-dominance and overshadowing

Impact on Navigation Wharf

4.36 The proposed development would be between 22m (similar to the separation from Dixon's Yard) and 41m from Navigation Wharf. This distance is adequate for an urban location to avoid over-looking.

4.37 Apart from the west tower Navigation Wharf is 6.5 storey in height (considering a mezzanine on the top floor). At its highest point the proposed building would be comparable in height/scale. Where the proposed building is between 6 and 7 storey in height, it would be at least 30m from Navigation Wharf. Considering residential amenity, the proposed building would not be over-dominant.

4.38 A BRE Sunlight / daylight assessment has been undertaken which concludes that the proposed development would have an acceptable impact on levels of sunlight and daylight in Navigation Wharf. The BRE assessment is the nationally recognised method of assessing sunlight / daylight.

Impact on Dixon's Yard

4.39 The side elevations of the proposed building and John Walker House (Dixons Yard) would be 6m at the closest point. The proposed building has a corner window in this area that would look towards balcony's and corner windows at Dixon's Yard. Applying obscure film to the side window on the proposed building can prevent any over-looking and this can be secured through a condition.

4.40 The riverside block is designed so outlook from the apartments is orientated either north over the river or south into the site. In considering whether the proposed building would be over-bearing/over-dominant, the north facing side would not be affected by the proposed building. Where the block faces south the proposed development would be to the south-east, overlooking the site. There would not be undue overlooking due to the orientation of the buildings. To consider over-shadowing the 45 degree rule can be used to assess the impact. The proposed building would comply with the test as a 45 degree line, taken from the halfway point of the ground floor windows, could pass beyond the proposed building.

4.41 The other block in Dixon's Yard which is close to the side boundary with the application site is orientated so main windows are not on the elevation that faces the application site. Windows serve a stairwell, hallways and kitchen windows, the latter are either 15m or 17m from the proposed building. These are secondary windows and the relationship between

4.42 Overall there would not be an undue impact on residential amenity over Dixons Yard.

Impact on adjacent student's accommodation

4.43 Separation between windows at Grey's Wharf and the proposed building would be at least 17m, increasing to around 28m. There would be soft landscaping between the buildings, rather the existing car park where delivery vehicles previously parked. The separation proposed is greater than similar scaled development that has been agreed at Hungate. The impact over the existing building is mitigated due to its staggered building line. There is deemed to be adequate space between these buildings to provide a reasonable amount of amenity.

FLOOD RISK

4.44 The site is partially in Flood Zone 3. In accordance with the National Planning Policy Framework in order for the proposals to be acceptable it must be demonstrated the development will be safe for its lifetime and not increase flood risk elsewhere (paragraphs 102 & 103). The development should also pass the

sequential tests, to do so it must be demonstrated there is no other appropriate site for the development in an area flood risk is lower.

4.45 The proposed development would be safe from flooding. The proposed ground floor levels are set at the level recommended by the Environment Agency - 10.94 AOD which is above the 1 in 100 year flood level, including accounting for possible climate change. In addition a safe means of escape is provided away from areas which would flood. The development could continue to operate in times of flooding and there would be no extra burden on emergency services in such times.

4.46 Flood risk to neighbouring sites will be reduced as there will be an increased capacity in flood water storage on site. Surface water run-off will be reduced, by 30%, and controlled in accordance with recommendations in the CYC Strategic Flood Risk Assessment.

4.47 To pass the sequential test it has to be demonstrated there are no reasonably available sites in lower flood risk areas where the development could be located. There are no other available and developable sites of this scale within the city centre, which the preferred location in terms of being accessible to both universities. As such the proposal adequately passes the sequential test. In addition the benefits of the development; regenerating a brown-field city centre site, providing a flood resilient building and an overall reduction in flood risk carry considerable weight and therefore the development would potentially be deemed acceptable, on balance, even if it failed the sequential test.

HIGHWAY NETWORK MANAGEMENT

4.48 The National Planning Policy Framework advises that developments should:

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

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.49 The development makes provision for disabled access and the operators. Student Castle advise that they ensure that the needs of all their users are met. There are DDA compliant rooms throughout the building and these can be configured to meet specific needs. 10 of the 16 car parking spaces on site would be for disabled persons.

4.50 The applicants have management procedures in places to ensure that arrivals and departures at each end of the academic year do not compromise the highway network. Approx 60% of residents are expected to be international students who will not arrive by car. Persons who would arrive at the beginning of term by private car will need to use an online booking system therefore the site operators will be able to control vehicle movements at such times.

4.51 The application site is in a sustainable location and it is reasonable to expect employees and students use alternative means of transport to the private car. There would be 16 car parking spaces on site (to be used for disabled persons or staff only), a significant reduction in comparison to the 91 parking spaces currently. Much of the existing cars parking at the site are owned by former employees, as there is unrestricted access. On a daily basis there will be fewer vehicles movements in comparison to when the site operated as a print-works and distribution outlet for The Press.

4.52 The Local Plan standards are that a cycle parking space is provided per student. Initially only 216 covered and secure places are proposed. There is capacity for a further 110 spaces, and this would be provided if there is demand. Lower provision is proposed as review of the cycle parking at the adjacent student accommodation demonstrates that in reality, at student accommodation, there is not demand for the amount of cycle parking required in the Local Plan. The approach proposed is justified and deemed to be acceptable. The provision of cycle storage can be secured through a condition, as will electric vehicle charging points.

SUSTAINABILITY

4.53 In accordance with current local policy a development such as this would be required to provide at least 10% of its energy demand through on site low or zero carbon technologies and the accommodation should achieve at least a BREEAM rating of 'Very Good'.

4.54 It is proposed that a combined heat and power (CHP) system provides energy for the development. This would be on-site and is recognised as a low carbon technology. In this case the CHP would provide some 20% of the building's energy requirement; above the minimum 10% policy requirement. This along with the BREEAM requirement can be secured through conditions.

ARCHAEOLOGY

4.55 Local Plan policy HE10 requires archaeological deposits of national importance to be preserved in situ. To fulfil this requirement developers are required to undertake an archaeological survey to assess archaeological value. Sites should be developed so valuable deposits are retained in situ. At least 95% of archaeological deposits should be preserved, otherwise an excavation of deposits will be required.

4.56 The site has been subject to investigation and archaeology found. It is proposed that a mitigation strategy is agreed with CYC's Archaeologist to ensure a reasonable amount of on site archaeology is preserved in-situ. The proposals are that construction is predominantly above the archaeology. The exception to this being the lift pits and a sewer diversion, and such works will be subject to watching briefs. The protection of archaeology can be secured through a condition.

OPEN SPACE

4.57 Local Plan policy L1c requires developments to make provision for the open space needs of future occupiers. The type of open space required is dependent upon whether the existing open space in the locality is adequate, and whether it has the capacity to accommodate the proposed development.

4.58 Open space is divided into typologies; amenity open space, play space and sports provision. As the development is for university students, there is no need to contribute toward play space, as there would be no increased demand for such. Officers are of the opinion that to require contributions towards sports provision would not meet the tests of the NPPF, which requires any contributions to be -

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

4.59 This is on the basis that generally the university provides sports facilities for students and the LPA would need to demonstrate that a facility could be either upgraded or provided in the locality. A contribution towards amenity space £91,368 (£141 per student room) has been agreed, which is in accordance with the latest Open Space contribution requirements, as established in the Supplementary Planning Guidance on such.

LAND CONTAMINATION

4.60 A remediation strategy will be informed by the site investigations undertaken to date. These will be approved by CYC and will make the site suitable for residential use. The investigation undertaken to date concludes that the contaminants on site can be dealt with appropriately.

ECOLOGY

4.61 Local Plan policy NE2 seeks to protect rivers and wetland habitats from development which is likely to have a detrimental impact and seeks to conserve and enhance their environment and amenity value. Policy NE8 advises that planning

permission will not be granted for development which would destroy or impair the integrity of green corridors, including river corridors.

4.62 An ecological appraisal of the area has been undertaken and no species will be adversely affected by the proposals. Lessons have been learnt from the planting scheme by the river at Grays Wharf and it is hoped a different approach here will be more successful. This will be secured through a planning condition.

5.0 CONCLUSION

5.1 The proposed development will regenerate the area and add to the vitality and viability of this part of the city centre. The loss of employment land will not conflict with national planning policy and there is no evidence that the proposed use will have an undue impact considering crime and disorder. The development will be sustainable and will have no undue impact on the amenity of neighbours or the historic setting. Officers recommend approval.

5.2 Approval is subject to an associated unilateral undertaking to secure the contribution to amenity open space; £91,368 and towards implementing traffic regulation orders, should they become necessary when the development is operational.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to S106

1 TIME2 Development start within three years -

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

Site plan and floor plans

Drawings DP

04b, 05c, 06d, 07d, 08d, 09d, 10d, 11c, 12e, 13c, 14c, 15d, 16c, 17c, 18d, 19c.

Elevations & sections

Drawings DE 06 – 15 revision c, DS 01c and 02c, DD-03a

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

3 Student accommodation only

The development hereby approved shall be let to or hired by and occupied by either students engaged in full time or part time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or

Application Reference Number: 13/01916/FULM

Item No: 4b

Page 20 of 30

conferences within the City, the details of which shall be included within an occupational management plan to be submitted and agreed in writing by the Local Planning Authority prior to the occupation of any part of the development.

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

4 Materials

The materials used shall be as annotated on the approved drawings and on DD-01 rev a. Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the pertinent building. The development shall be carried out using the approved materials (samples to be provided on site for inspection).

Sample panels of the brickwork to be used on the buildings 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 construction of the pertinent building. 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.

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.

5 Large scale details

Large scale details and/or specifications as appropriate of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and the works shall be carried out in accordance with the approved details.

Ward's warehouse

- a) The new access tower and its abutment with the rear elevation
- b) The fixed timber gates used as blocking for the existing central entrance of Hurst's Yard
- c) Measures for making good the north elevation following removal of the two-storey extension. Original features shall be exposed where possible.
- d) Roof-lights (to be of the conservation type with a central bar and sit almost flush with the roof covering)
- e) Existing windows shall be retained and repaired where possible. New windows and window reveals shall copy the originals. If the existing fixed windows must

change to provide new opening lights, details shall be provided and these should be based on the pattern and opening type of the originals if possible.

- f) Any acoustic and thermal upgrades to windows (to be provided by the application of secondary glazing if possible)
- g) Details of any amendments to the external appearance of the gantry
- h) General repairs shall be carried out on a “like for like” basis unless otherwise agreed in writing by the LPA

Poad’s building

- a) The new extension including 1:20 & 1:5 section, plan and elevation of a typical external bay including the roof.
- b) Abutment conditions with adjacent buildings
- c) A section through the roof, across the new building to show the relationship with proposed plant
- d) Details of the exposed gable ends (new and existing) including the verge conditions.
- e) Details of all windows and external doors of the new extension showing them in context.
- f) On the existing building windows and external doors shall be repaired rather than replaced. If windows are beyond repair then new ones should be made in materials and details matching the originals
- g) Repairs to be carried out on a “like for like” basis unless otherwise agreed in writing by the LPA

Walmgate building

- a) Typical elevation details (front and back) for each bay type in plan, section and elevation at 1:20 with critical details at 1:5 eg eaves and verges. The sections shall show the articulation and indicate materials
- b) Details of the large “shop” window and its return into the underpass, to include plinth and soffit overhang
- c) Details of the main entrance off Walmgate and the glazed bay “slot”
- d) Dormer windows (typical and copper clad type). The copper should not be pre-patinated; to allow it to weather over time giving it a more natural appearance
- e) Details of rooflights. Rooflights shall be almost flush with the roof coverings. Rooflights facing Walmgate should be of the conservation type and integrated with appropriate flashings into the pantiles.
- f) Details of the linings to the underpass
- g) Full details of the glazed gable
- h) All windows and external door types. Typical window samples to be agreed.

New block to rear

- a) Sections, elevations and plans at 1:20 showing typical bay conditions. Critical details shall be picked out at 1:5 eg parapets, verges, special details. Materials shall be annotated on the drawings
- b) Sections, elevations and plans at 1:20 showing each type of top floor/roof condition, including the articulated gable ends, chimney stacks, the gantry overhangs. Materials to be annotated on the drawings
- c) Windows and external doors. Typical window samples to be provided as agreed.
- d) Details of roof-lights (To be almost flush with the roof and of the conservation type).
- e) Locations and details of any attached canopies
- f) Details of the underpass linings

For each building details of the following items should be provided. The element should be shown in context:

- a) Details of any flues/grills within external walls e.g. for flooding, ventilation
- b) Details/specification of rainwater goods (these should be shown on the typical bay details for each building)
- c) Details of any associated external compounds eg sub-station, cycle/waste
- d) Threshold conditions outside main entrance doors
- e) Any external ramps or handrails required

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

6 BREEAM

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

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

7 Low/Zero carbon technology

No building work shall take place on the student accommodation until details have been submitted and approved in writing by the Local Planning Authority to demonstrate that no less than 10% of the residential development's predicted energy requirements will be provided from low or zero carbon technology. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter must be maintained to the required level of generation.

Reason: In the interests of achieving a sustainable development in accordance with the requirement of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

INFORMATIVE: Evidence to demonstrate compliance should be submitted in the form of SAP (residential) or BRUKL (commercial) worksheets.

8 Drainage and flood risk

The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Ward Cole, dated May 2013, ref 10/4237 Rev E and in particular the following mitigation measures detailed within the FRA:

- a) Surface water discharge rate shall be limited to a maximum of 61.1 litres/second, and provision of associated attenuation storage detailed within the FRA
- b) Provision of compensatory flood storage as detailed within section 4 of the FRA
- c) Finished floor levels are set no lower than 10.94m above Ordnance Datum (AOD).
- d) Flood-proofing measures detailed on page 13 are incorporated into the development.

Reason: To ensure the development is properly drained and in the interests of flood risk management.

9 Landscaping

The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme (hard and soft measures) which shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the overall appearance and variety, suitability and disposition of species within the site.

10 Cycle parking

The cycle parking as shown on the ground floor plan drawing DP06 shall be provided prior to occupation.

The use of the staff and visitor cycle storage for the student accommodation shall be monitored and the trigger point for the installation of additional spaces, and the location, amount and design of the additional spaces shall be approved by the Local Planning Authority within 6 months of first occupation of the student accommodation.

All cycle parking facilities shall be covered and secure, provided in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed by the Local Planning Authority.

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

11 External lighting

The location and design of external lighting shall be approved by the Local Planning Authority prior to occupation and the development carried out accordingly.

Lighting levels shall not exceed the levels for E4 environmental zones, as established in the Institute of Lighting Engineers Obtrusive Light Limitations for Exterior Lighting Installations.

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

12 Electric vehicle charging facilities

Before the occupation of the development hereby approved, one Electric Vehicle Recharging Point shall be provided in a position to be first agreed in writing by the Council. Within 3 months of the first occupation of the development, the Owner will submit to the Council for approval in writing an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 25 years

(Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point).

REASON: To promote and facilitate the uptake of electric vehicles / bikes / scooters on the site in line with the Council's Low Emission Strategy and the National Planning Policy Framework.

13 Amenity of future occupants

Construction work shall not begin on the student accommodation buildings until a scheme for protecting the proposed development from external noise has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

REASON: To protect the amenities of future occupants.

INFORMATIVE: To achieve compliance with this condition details should be submitted to demonstrate that the internal and external noise levels at the properties comply with the requirements of the World Health Organisation Guidelines on Community Noise and BS5228 as follows:-

- Day time internal noise level in living rooms of 35 dB(A) Leq 16 hour (07:00 to 23:00)
- Night time internal noise level in bedrooms of 30 dB(A) Leq 8 hour (23:00 to 07:00)
- Night time internal maximum noise level in bedrooms of 45 dB(A) Lmax

14 Machinery, plant and equipment

Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which would be audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval prior to installation.

These details shall include maximum sound levels (LA_{max}(f)) and average sound levels (LA_{eq}), octave band noise levels and any proposed noise mitigation measures.

All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational at the time of installation and appropriately maintained thereafter.

REASON: To protect the amenities of adjacent residents.

NOTE: "The rating level of building service noise associated with plant or equipment at the site should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997."

15 CONSTRUCTION MANAGEMENT

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

The CEMP shall agree that all demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

REASON: To protect the amenities of adjacent residents

16 Land contamination

Prior to construction of the student accommodation the following details shall be approved by the Local Planning Authority. The approved details shall be carried out prior to occupation of the student accommodation.

Investigation of Land Contamination

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:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be approved in writing by 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.

Verification of Remedial Works

Prior to first occupation or use, 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.

Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported 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.

17 Obscure glazing

The west facing part of the corner windows (adjacent to John Walker House) shall be obscure glazed at all times.

Reason: To prevent overlooking, in the interests of the amenity of neighbouring residents.

18 Archaeology

Conditions to ensure a watching brief on groundworks and preservation of archaeology. Wording to be provided at committee.

19 Travel Plan

Within 6 months of occupation of the student accommodation a travel plan shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with Department of Transport guidelines and be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

The Travel Plan shall provide details of how cycle parking will be monitored, how sustainable travel will be promoted and detail the type of information that will be supplied in a welcome pack to students highlighting sustainable travel and preventing vehicles being brought to the city by students.

Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To reduce private car travel and promote sustainable travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

20 Signage

No signage shall be added to the building, which would be above the base of the second floor window cills unless advertisement consent has been approved for such signage by the Local Planning Authority.

Reason: In the interests of visual amenity and the appearance of the conservation area.

7.0 INFORMATIVES:

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs

186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: pre-application enquiry and continued meetings with the applicant, and requested amended plans which reasonably over-come objections to the proposals.

ENVIRONMENT AGENCY

Works in rivers consent

The formal consent of the Environment Agency will be required for any works in, over, under, or within 8m of the Main River Foss (which Wormald's Cut is a part of).

Off site movement of waste

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

Contact details:

Author: Jonathan Kenyon Development Management Officer

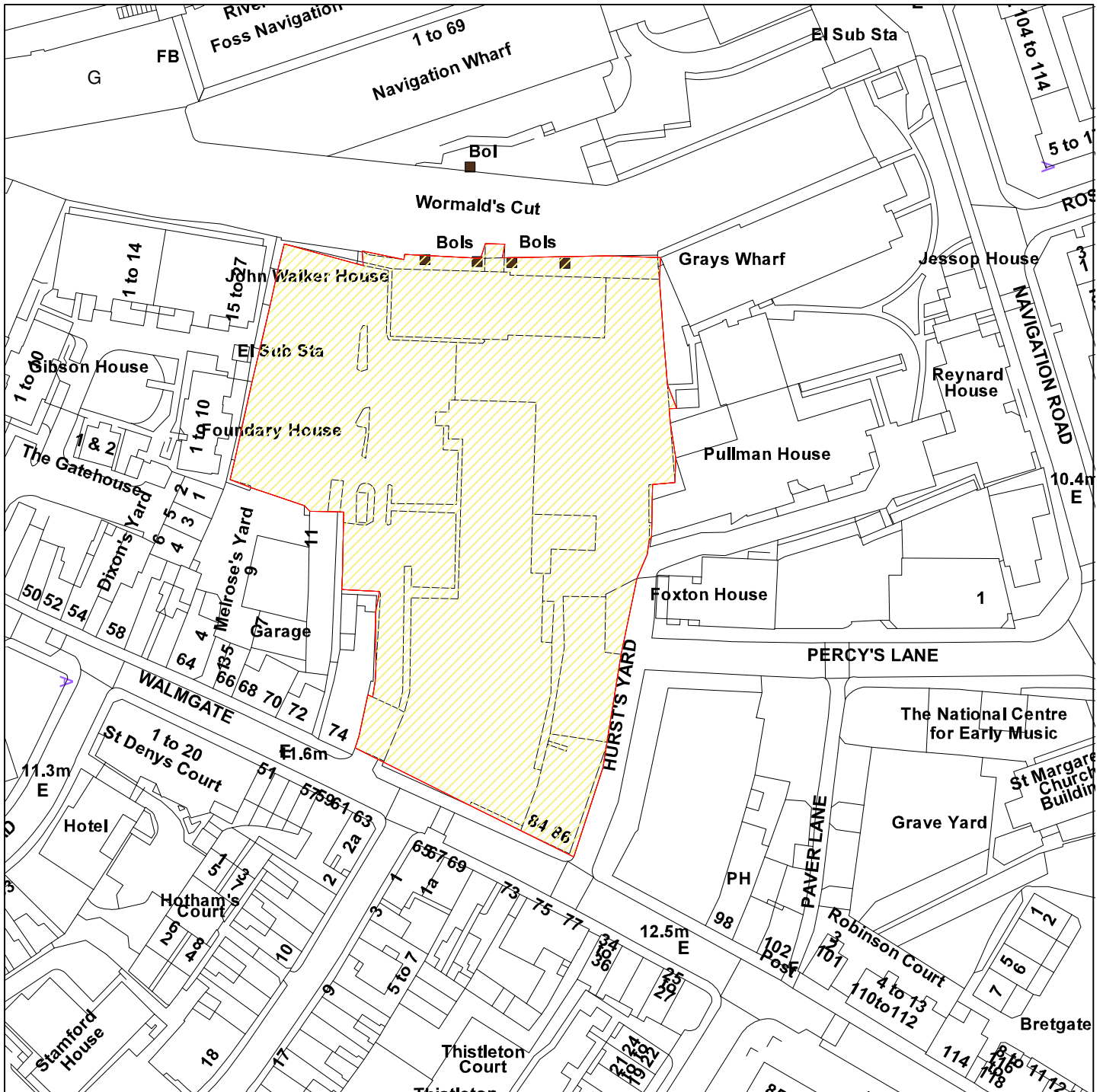
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	12 August 2013
SLA Number	Not Set

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13/02397/FULM 36-44 Piccadilly FUL & CAC

Committee Update

Flood Risk

The Environment Agency has withdrawn their objection to the application.

It is now proposed to provide flood storage on site, to the extent there would be no loss of floodwater storage at the application site in times of flood. An additional condition is proposed to cover the compensatory flood storage on site, as agreed with the Environment Agency –

The development shall incorporate the compensatory flood water storage areas in accordance with Peter Brett Associates drawing 28586/006/002.

Prior to development commencing a detailed design for the proposed flood compensation measures (floodable void), as set out in drawing 28586/006/00 dated 5 September 2013 and the accompanying letter by Peter Brett Associates, dated 9 September 2013 shall be approved in writing by the local planning authority. The detailed design shall demonstrate how the free ingress of flood waters into the void at natural ground level will be achieved. The development shall be carried out in accordance with the approved design detail and the void shall be retained as a flood storage area which allows free ingress of flood waters for the lifetime of the development.

Finished floor levels shall be set no lower than 11.00m above Ordnance Datum (AOD).

Reason: To ensure the development is safe from flooding and does not increase flood risk elsewhere, in accordance with paragraph 103 of the National Planning Policy Framework.

Residential Amenity

It is now proposed to omit condition 25 (which required noise from the commercial units to be inaudible at the residential units). Instead condition 13 has been re-worded as follows –

Construction work shall not begin until a scheme for protecting the residential units from external noise has been submitted to and approved

in writing by the local planning authority. The development shall be completed in accordance with the approved details. The noise insulation scheme shall advise as to how the residential units would be protected from any noise outbreak from the ground floor commercial units.

REASON: To protect the amenities of future occupants.

INFORMATIVE: To achieve compliance with this condition details should be submitted to demonstrate that the internal and external noise levels at the properties comply with the requirements of the World Health Organisation Guidelines on Community Noise and BS5228 as follows:-
Day time internal noise level in living rooms of 35 dB(A) Leq 16 hour (07:00 to 23:00)
Night time internal noise level in bedrooms of 30 dB(A) Leq 8 hour (23:00 to 07:00)
Night time internal maximum noise level in bedrooms of 45 dB(A) Lmax

Air Quality

The applicant's preference is for windows on the front elevation to be openable. Condition 14 currently requires windows to be non-opening unless 6 further months air-quality monitoring outside the premises demonstrates air quality is acceptable.

Monitoring of air quality was taken outside 34 Piccadilly. The annual objective nitrogen dioxide concentrations are **40ug/m3**. Air quality levels at 34 have improved over the years & been recorded as follows -

2010 45ug/m3
2011 42ug/m3
2012 36ug/m3

Environmental Protection Unit have recommended a precautionary approach as it is considered there is still potential the recommended air quality level will not be met.

Note the same is applicable at 34 Piccadilly

Front elevation

The front elevation has been amended. The alteration omits the previously proposed poster cases to the sides of the shop front.